AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 43—No. 104
5-30-78
BOOK 1:
PAGES
22925-23200

Vol. 43—No. 104
5-30-78
BOOK 2:
PAGES
23201-23552

federal register

BOOK 1 OF 2 BOOKS
TUESDAY, MAY 30, 1978

highlights

SUNSHINE ACT MEETINGS 23084

IMPROVING GOVERNMENT REGULATIONS
4 departments and agencies issue proposals implementing Executive Order 12044 (Part II of this issue) 23117
Index to other proposals 23118

VINYL CHLORIDE
CPSC confirms final order banning self-pressurized household substances containing vinyl chloride monomer; effective 6-22-78 22936

POSTAL RATES AND FEES
PS publishes changes in rates of domestic postage and fees for domestic postal services; effective 12:01 am 5-29-78 23039

GUN CONTROL
Treasury/ATF publishes annual list of firearms laws of states and political subdivisions (Part III of this issue) 23201

YOUTH INCENTIVE ENTITLEMENT PILOT PROJECTS
Labor/ETA corrects and clarifies final rules implementing the projects; effective 6-29-78, (Part VI of this issue) 23504

PENSION AND WELFARE BENEFIT PROGRAMS
Labor/PWBP grants class exemption for transactions involving collectively bargained multiple employer apprenticeship and training plans; effective 1-1-75 23024

ELECTRIC AND HYBRID VEHICLES
DOE prescribes minimum performance standards for a research, development, and demonstration program; effective 7-3-78 (Part V of this issue) 23498

CONTRIBUTIONS IN AID OF CONSTRUCTION
Treasury/IRS proposes regulations to provide the public with guidance needed to comply with the Tax Reform Act of 1976; comments by 7-31-78 22997

CRIME INFORMATION
Justice/FBI establishes Criminalistics Laboratory Information System 23022

SPECIALTY STEEL QUOTAS
Office of the Special Representative for Trade Negotiations gives notice of a possible reallocation; comments by 6-2-78.. 23038

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202-523-5240.**

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	**202**-783-3238
Subscription problems (GPO)	**202**-275-3050
"Dial - a - Reg" (recorded summary of highlighted documents appearing in next day's issue).	
Washington, D.C.	**202**-523-5022
Chicago, Ill	**312**-663-0884
Scheduling of documents for publication.	**202**-523-3187
Photo copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR)	523-3419 523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5266 523-5282
Slip Laws	523-5266 523-5282
U.S. Statutes at Large	523-5266 523-5282
Index	523-5266 523-5282
U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Commerce/Secy proposes specification for labeling of thermal insulation for homes; comments by 7-14-78 (2 documents), (Part IV of this issue) **23488**

FOOD ADDITIVES

HEW/FDA affirms sodium thiosulfate as safe as a direct and indirect food ingredient; effective 6-29-78 ..... **22937**

TRUTH IN LENDING

FRS amends record retention requirements for preserving records of transactions; effective 5-30-78, comments by 7-14-78 ..... **22927**

MARITIME CARRIERS

FMC revises regulations governing level of military rates under the Military Sealift Command bid procurement system; effective 5-30-78 ..... **22981**

CANCER CAUSE AND PREVENTION

HEW/NIH reports on bioassay of N,N'-Dicyclohexylthiourea for possible carcinogenicity **23016**

NAVIGATION AND NAVIGABLE WATERS

DOD/Army updates the present regulation on the removal of wrecks and other obstructions; effective 5-30-78 ..... **22970**

PESTICIDES

EPA establishes tolerance for residues of a certain fungicide on avocadoes; effective 5-30-78 ..... **22973**

EPA establishes tolerance for residues of the insecticide malathion on birdsfoot trefoil; effective 5-30-78 ..... **22973**

FEDERAL SAVINGS AND LOAN SYSTEM

FHLBB adopts amendment concerning remote service units; effective 7-1-78 ..... **22929**

INDIAN AFFAIRS

Interior/BIA proposes amending regulations governing tribal enrollment appeals; comments by 6-29-78 ..... **22997**

NATIONAL REGISTER OF HISTORIC PLACES

Interior/HCRS gives notification of pending nominations; comments by 6-9-78 ..... **23020**

CARBON STEEL PLATE FROM JAPAN

Treasury/Customs issues a finding of dumping; effective 5-30-78 ..... **22937**

WALSH-HEALEY PUBLIC CONTRACTS ACT

Labor/WH codifies interpretations of "manufacturer," "assembler," and "regular dealer," effective 6-26-78 ..... **22975**

RURAL TELEPHONE PROGRAM

USDA/REA proposes revision of specification PE-41 regarding improved 500 type telephone sets; comments by 6-29-78 .. **22985**

USDA/REA proposes new specification PE-75 for flat oval telephone cords; comments by 6-29-78 ..... **22985**

PRIVACY ACT

Justice/AG proposes to exempt a system of records from certain provisions; comments by 6-29-78 ..... **22999**

MEETINGS—

Commerce/NBS: Building Technology Advisory Committee; 6-21-78 ..... **23008**

CPSC:Product Safety Advisory Council; 6-12-78 ..... **23011**

DOT/FAA: RTCA Special Committee 134 on General Purpose Electronic Test Equipment; 6-22 and 6-23-78 ..... **23068**

EPA: Science Advisory Board Executive Committee Subcommittee on Toxic Substances; 6-22-78 23013
Science Advisory Board Ecology Committee; 6-15 and 6-16-78 23012
HEW/OE: National Advisory Council on Adult Education; 6-15 through 6-17-78 23016
NRC: Advisory Committee on Reactor Safeguards Subcommittee on the Diablo Canyon Nuclear Power Station; 6-14 and 6-15-78 23037
Office of Science and Technology Policy: Nuclear Waste Management Technical Advisory Group; 6-15-78 23038
USDA/FS: National Forest Management Act Committee of Scientists; 6-19 through 6-21-78 23007
VA: Central Office Education and Training Review Panel; 6-14-78 23070
Cooperative Studies Evaluation Committee; 6-26, 6-27 and 6-28-78 23070

HEARINGS—

CAB: Air Jamaica Limited Respondent Enforcement Proceeding; 6-26-78 23007

SEPARATE PARTS OF THIS ISSUE

Part II, HEW 23117
Part III, Treasury/ATF 23201
Part IV, Commerce/Secy 23487
Part V, DOE 23498
Part VI, Labor/Secy 23504
Part VII, Labor/MSHA 23514

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

SEC—Filing and disclosure requirements relating to beneficial ownership 18484; 4-28-78
Short form for the registration of securities 16672; 4-19-78

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: May 25, 1978]

S. 1568 ..... Pub. L. 95-285
To name the lake located behing Lower Monumental Lock and Dam, Washington, "Lake Herbert G. West". (May 25, 1978; 92 Stat. 277) Price $.50.

contents

AGRICULTURE DEPARTMENT

See Animal and Plant Health Inspection Service; Forest Service; Rural Electrification Administration.

AIR FORCE DEPARTMENT

Rules

Deletion of rules with limited public applicability 22969

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Notices

Gun control; published firearms laws of political subdivisions and States 23202

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Communicable diseases in horses, asses, mules and zebras:
Contagious equine metritis (CEM) 22925

ARMY DEPARTMENT

See Engineers Corps.

CIVIL AERONAUTICS BOARD

Proposed Rules

Practice and procedure, economic proceedings:
Route authority applications, hearing procedures for processing; correction 22987

Notices

Hearings, etc.:
Air Jamaica Limited 23007
Boise-Denver nonstop proceeding (2 documents) 23007
British Caledonian Airways Ltd.; correction 23007
Delta Air Lines, Inc 23008
International Air Transport Association 23008

COAST GUARD

Rules

Drawbridge operations:
Florida 22970

Proposed Rules

Drawbridge operations:
Georgia 23001
Texas 23001

COMMERCE DEPARTMENT

See also Maritime Administration; National Bureau of Standards; National Fire Prevention and Control Administration.

Notices

Consumer product information labeling program, voluntary:
Thermal insulation for homes, proposed specification 23488
Thermal insulation for homes; suspension of fees for participation 23495
Improving Government regulations; inquiry 23170

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Hazardous substances and articles; administration and enforcement:
Vinyl chloride monomer, self-pressurized household substances containing 22936

Notices

Meetings:
Product Safety Advisory Council 23011

DEFENSE DEPARTMENT

See also Air Force Department; Engineer Corps.

Proposed Rules

Military personnel; indebtedness; extension of time 23001

DRUG ENFORCEMENT ADMINISTRATION

Notices

Schedules of controlled substances; production quotas:
Amphetamine 23021

EDUCATION OFFICE

Notices

Meetings:
Adult Education National Advisory Council 23016

EMPLOYMENT AND TRAINING ADMINISTRATION

Proposed Rules

Alien temporary agricultural and logging employment in U.S.; labor certification:
Adverse effect wage rate, Texas 22996

ENERGY DEPARTMENT

See also Federal Energy Regulatory Commission.

Rules

Electric and hybrid vehicle research, development, and demonstration project; performance standards 23498

ENGINEERS CORPS

Rules

Administrative procedures:
Wrecks and other obstructions, removal 22970

ENVIRONMENTAL PROTECTION AGENCY

Rules

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole 22973
Malathion 22973

Proposed Rules

Air quality implementation plans; enforcement by State and Federal governments after statutory deadlines:
Illinois 23004
Kentucky 23002

Notices

Meetings:
Science Advisory Board (2 documents) 23012, 23013

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Beech 22932
Cessna 22934
Pratt & Whitney 22931
Control zones 22935
Restricted areas 22936

Proposed Rules

Transition areas (3 documents).. 22985, 22987

Notices

Meetings:
Aeronautics Radio Technical Commission 23068

FEDERAL BUREAU OF INVESTIGATION

Notices

National Crime Information Center; Criminalistic Laboratory Information System (CLIS); establishment 23022

FEDERAL COMMUNICATIONS COMMISSION

Notices

Canadian standard broadcast stations; notification list 23013

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Hearings, etc.:
Michigan Wisconsin Pipe Line Co 23011
North Penn Gas Co 23012
Northern States Power Co 23012
Tucson Gas & Electric Co 23012

FEDERAL HOME LOAN BANK BOARD

Rules

Federal savings and loan system:
Electronic fund transfers through remote service units 22929

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood elevation determinations:
- Missouri 22945, 22956
- Nebraska 22961
- New Jersey (3 documents) 22939, 22950, 22969
- New York (5 documents) 22939, 22949, 22953, 22957, 22961
- North Carolina (2 documents) 22954, 22962
- North Dakota 22962
- Ohio (3 documents) 22945, 22946, 22955
- Rhode Island 22955
- South Carolina (2 documents) 22958, 22963
- Tennessee 22941
- Texas (5 documents) 22942, 22950, 22958, 22959, 22968
- Vermont (4 documents) 22948, 22963, 22964
- Virginia (13 documents) 22943, 22946, 22947, 22951, 22956, 22959, 22960, 22964-22967
- Washington 22967
- Wisconsin (6 documents) 22940, 22941, 22949, 22952, 22954
- Wyoming (3 documents) 22943 22944

FEDERAL MARITIME COMMISSION

Rules

Military rates; change in reporting period 22981

Notices

Agreements filed, etc. (3 documents) 23014-23015

Complaints filed:
- Clark, John T., & Son of Maryland, Inc. v. Maryland Port Administration 23015
- I.T.O. Corp. of Baltimore v. Maryland Port Administration 23015
- A/S D/S Svendborg et al. v. Maryland Port Administration 23013

FEDERAL RESERVE SYSTEM

Rules

Truth in lending:
- Record retention requirements; preservation of evidence of compliance 22927

FEDERAL TRADE COMMISSION

Proposed Rules

Consent orders:
- Capital Builders, Inc., et al 22992
- United Builders, Inc., et al 22988

FOOD AND DRUG ADMINISTRATION

Rules

GRAS or prior-sanctioned ingredients:
- Sodium thiosulfate 22937

Proposed Rules

Public information; disclosure of existence; extension of comment period 23006

FOREST SERVICE

Notices

Meetings:
- Scientists Committee, National Forest Management Act 23007

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration; National Institute of Education; National Institutes of Health.

Notices

Improving Government regulations; inquiry 23119

Organization, functions, and authority delegations:
- Grant and Contract Financial Management Office 23017
- Social Security Administration; Hearings and Appeals Bureau 23017

HERITAGE CONSERVATION AND RECREATION SERVICE

Notices

Historic Places National Register; additions, deletions, etc.:
- California, et al 23020

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INDIAN AFFAIRS BUREAU

Proposed Rules

Enrollment appeals; filing and processing 22997

INTERIOR DEPARTMENT

See also Heritage Conservation and Recreation Service; Indian Affairs Bureau.

Notices

Environmental statements; availability, etc.:
- Owyhee River, Idaho and Oreg.; National Wild and Scenic Rivers System 23021
- Vekol Hills Project, Ariz 23021

INTERNAL REVENUE SERVICE

Proposed Rules

Income taxes:
- Construction aid contributions 22997

Notices

Authority delegations:
- Assistant Commissioner (Public Affairs) et al.; authorization of first-class air accommodations, etc 23069

Written determinations, public inspection; disclosure intention 23069

INTERSTATE COMMERCE COMMISSION

Rules

Motor carriers:
- Household goods transportation; reweighting of shipments 22982

Notices

Hearing assignments 23071

Motor carriers:
- Temporary authority applications (2 documents) ... 23071, 23076
- Transfer proceedings 23080

Railroad operation, acquisition, construction, etc.:
- Chicago & North Western Transportation Co 23071
- Oregon-Washington Railroad & Navigation Co. et al 23082

Railroad services abandonment:
- Southern Pacific Transportation Co 23082
- Texas & Pacific Railway Co ... 23083

JUSTICE DEPARTMENT

See also Drug Enforcement Administration; Federal Bureau of Investigation.

Rules

Organization, functions, and authority delegations:
- Personnel and administrative matters; per diem and travel allowances 22969

Proposed Rules

Information production or disclosure:
- Privacy Act, Antitrust Division, systems of records 22999

LABOR DEPARTMENT

See also Employment and Training Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.

Rules

Comprehensive Employment and Training Act:
- Youth incentive entitlement pilot projects; corrections, editorial changes, etc 23504

Contracts, Federal; procedures under Walsh-Healey Public Contracts Act 22975

Notices

Authority delegations:
- Labor-Management Relations Assistant Secretary; information from IRS 23036

Adjustment assistance:
- Anderson Development Corp . 23027
- Bethlehem Steel Corp. et al ... 23036
- Bird & Son, Inc 23028
- Canamex Commodity Corp 23028
- Eastern Sportswear Manufacturing Co., Inc 23028

Eureka Sugar Mill of Sugar Corp. of Puerto Rico 23029
Fajardo Sugar Mill of Sugar Corp. of Puerto Rico 23031
F/V Michael Ann 23030
F/V Johnny O 23030
F/V Jennifer & Aaron 23029
Hilton Manufacturing Co..... 23031
Igualdad Sugar Mill of Sugar Corp. of Puerto Rico 23032
J & T Sportswear, Inc..... 23032
Julius & Sons, Inc..... 23033
Laclede Steel Co..... 23033
Midwest Steel & Alloy Corp ... 23033
Ranchers Exploration & Development Corp 23034
San Francisco Sugar Mill of Sugar Corp. of Puerto Rico.. 23035
Thomas Knitting, Inc 23035

MARITIME ADMINISTRATION

Rules

Statements, reports, and agreements; rescission of vessel utilization and performance report filing requirement 22981

MENTAL HEALTH, PRESIDENT'S COMMISSION

Notices

Termination 23059

MINE SAFETY AND HEALTH ADMINISTRATION

Rules

Civil penalties for violations of Federal Mine Safety and Health Act, 1977..... 23514

NATIONAL BUREAU OF STANDARDS

Notices

Meetings:
Building Technology Advisory Committee 23008
Voluntary product standards:
Plumbing fixtures, porcelain enameled formed steel; proposed withdrawal..... 23009

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

Rules

Improving government regulations; inquiry; cross reference 23006

NATIONAL INSTITUTE OF EDUCATION

Notices

Meetings:
Information collection and data acquisition activity; description; inquiry; correction 23015

NATIONAL INSTITUTES OF HEALTH

Notices

Carcinogenesis bioassay reports; availability:
Beta-2'-deoxy-6-thioguanosine monohydrate 23015
N,N'-Dicyclohexylthiourea 23016

NUCLEAR REGULATORY COMMISSION

Notices

Meetings:
Reactor Safeguards Advisory Committee 23037
Applications, etc.:
Metropolitan Edison Co. et al 23037
Radiation Technology, Inc 23037

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules

Health and safety standards;
Cutaneous and eye hazards; request for information..... 22999

Notices

Meetings:
Construction Safety and Health Advisory Committee 23022
State plans; development, enforcement, etc.:
California 23023
North Carolina 23023
Washington..... 23024

PENSION AND WELFARE BENEFITS PROGRAMS OFFICE

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc..... 23024

POSTAL SERVICE

Notices

Postal rates and fees, 1978 changes 23039

RENEGOTIATION BOARD

Notices

Improving government regulations; inquiry 23197

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rules

Rural telephone program:
Cords, flat oval telephone; PE-75 specification 22985
Telephone sets, improved 500 type; PE-41 specification 22985

SCIENCE AND TECHNOLOGY POLICY OFFICE

Notices

Meetings:
Nuclear Waste Management Technical Advisory Group... 23038

SECURITIES AND EXCHANGE COMMISSION

Notices

Self-regulatory organizations; proposed rule changes:
Midwest Stock Exchange, Inc.. 23063
Municipal Securities Rulemaking Board 23063
National Securities Clearing Corp 23063
New York Stock Exchange, Inc. (3 documents)..... 23064-23066
Philadelphia Stock Exchange, Inc 23067
Hearings, etc.:
Builders Resources Corp 23059
Consolidated Natural Gas Co. et al 23060
Farm Bureau Mutual Fund, Inc 23061
Gulf Power Co..... 23061
Middle South Utilities, Inc 23062
Pacific Resources, Inc 23066

SMALL BUSINESS ADMINISTRATION

Notices

Disaster areas:
Georgia (2 documents)..... 23068
Illinois 23068
Kansas 23068
Louisiana 23068

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Cotton, man-made, and wool textiles:
China..... 23009
Hong Kong..... 23099
Korea 23010

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Notices

Import quotas; reallocation:
Steel, specialty; shortfalls 23038

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.

Rules

Antidumping:
Steel plates, carbon, from Japan 22937

VETERANS ADMINISTRATION

Rules

Authority delegations:
Memorial Affairs Department, Director..... 22972

Notices

Meetings:
Central Office Education and Training Review Panel 23070
Cooperative Studies Evaluation Committee 23070

WATER RESOURCES COUNCIL

Notices

Improving government regulations; inquiry 23199

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR

PROPOSED RULES:
1701 (2 documents) 22985

9 CFR

75 22925

10 CFR

475 23498

12 CFR

226 22927
545 22929

14 CFR

39 (3 documents) 22931-22934
71 (2 documents) 22935, 22936
73 22936

PROPOSED RULES:
71 (3 documents) 22985-22987
302 22987

16 CFR

1500 22936

PROPOSED RULES:
13 (2 documents) 22988, 22992

19 CFR

153 22937

20 CFR

PROPOSED RULES:
655 22996

21 CFR

182 22938
184 22938
186 22938

PROPOSED RULES:
312 23006
314 23006

21 CFR

PROPOSED RULES—Continued
431 23006
514 23006
601 23006
807 23006
814 23006

24 CFR

1917 (53 documents) 22939-22969

25 CFR

PROPOSED RULES:
42 22997

26 CFR

PROPOSED RULES:
1 22997

28 CFR

0 22969

PROPOSED RULES:
16 22999

29 CFR

94 23504
97 23504

30 CFR

100 23514

32 CFR

804 22970
809 22970
809b 22970
809c 22970
816 22970
872 22970
873 22970
874 22970

32 CFR—Continued

881 22970
882 22970
886 22970
888c 22970
905 22970
906 22970
908 22970
955 22970

PROPOSED RULES:
43a 23001
1910 22999

33 CFR

117 22970
209 22970

PROPOSED RULES:
117 (2 documents) 23001

38 CFR

2 22972

40 CFR

180 (2 documents) 22973

PROPOSED RULES:
65 (2 documents) 23002, 23004

41 CFR

50-201 22975
50-206 22977

45 CFR

PROPOSED RULES:
2012 23006

46 CFR

222 22981
549 22981

49 CFR

1056 22982

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

1 CFR

Ch. I 18535

3 CFR

PROCLAMATIONS:

4492 (Superseded by Proc. 4571) .. 21313
4567 18533
4568 19999
4569 20215
4570 20473
4571 21313
4572 21999

EXECUTIVE ORDERS:

7509 (See PLO 5635) 19046
7522 (See PLO 5634) 19046
8038 (See PLO 5636) 19045
8039 (Amended by PLO 5637) ... 19045
11189 (Revoked by EO 12060) 21315
11195 (Revoked by EO 12060) 21315
11861 (Amended by EO 12060) .. 21315
11902 (Revoked by EO 12058) 20947
11972 (Revoked by EO 12059) 20949
11993 (Revoked by EO 12059) 20949
11995 (Revoked by EO 12060) 21315
12050 (Amended by EO 12057) .. 19811
12056 18639
12057 19811
12058 20947
12059 20949
12060 21315
12061 21865

MEMORANDUMS:

May 11, 1978 20779
May 18, 1978 22169

REORGANIZATION PLANS:

No. 1 of 1978 19807

4 CFR

PROPOSED RULES:

416 ..... 20806, 22043

5 CFR

213 ..... 18641, 19337, 19813, 20953, 21635, 21636, 22001, 22667-22668
315 20954

PROPOSED RULES:

900 20996

7 CFR

2 ..... 20217, 20781, 22001, 22329
6 18535
250 20954
271 22668-22670
401 ..... 18536, 18537, 19337
410 20781
414 18537
724 19339
725 19339
726 19339
795 19339

7 CFR—Continued

905 20475
908 ..... 19193, 19643, 20218, 21636, 22330
910 ..... 19348, 20475, 21640, 22670
911 22002
915 22660
916 20218
917 ..... 20219, 21636
918 ..... 18642, 20476, 22171
923 21867
928 19813
944 ..... 19340, 22002, 22664
948 21637
953 21638
980 ..... 21637, 21638
1004 18987
1068 19341
1427 ..... 19193, 19197
1430 19203
1435 21317
1438 18988
1446 21425
1701 ..... 20955, 22985
1806 18538
1811 19342
1821 20221
1822 22670
1823 ..... 20221, 22671
1861 21639
1888 20956
1933 19342
2852 ..... 19814, 20957

PROPOSED RULES:

6 20813
15a 20012
271 18874
272 18874
273 18874
274 18874
278 18874
279 18874
282 18874
632 19235
724 19856
911 19398
915 ..... 19235, 19398
916 22726
918 21003
929 20815
987 21463
989 22727
1004 21004
1036 20000
1079 ..... 20817, 21915
1464 22727
1480 20774
1701 ..... 19856, 19857, 21004, 21005, 22043, 22985
1900 21005
2851 19857

8 CFR

100 22331
103 ..... 18641, 22332
242 ..... 18641, 22332
245 18641
299 18645

9 CFR

3 21160
75 22925
78 19348
94 21641
97 19350
201 19351
202 19351
203 19351
204 19351
318 20992

PROPOSED RULES:

51 19402
85 20044
113 20485
318 ..... 18681, 19858, 21007, 21682
320 ..... 18681, 21682
381 19858
806 22000

10 CFR

Ch. I 18989
2 22345
20 22171
50 18538
110 21641
205 19816
211 21429
213 18990
430 ..... 20108, 20128, 20147
475 23498
791 20476
1000 ..... 21433, 21657
1002 20782

PROPOSED RULES:

11 18682
30 19053
40 ..... 19053, 22365
50 ..... 18682, 19053, 19860, 22365
70 ..... 18682, 19053, 19860, 22215, 22216, 22365
73 22216
75 22365
110 19861
150 22365
211 21682
300 21682
430 21008

12 CFR

Ch. II 21434
7 19831
24 21868
201 21658

12 CFR

202 ... 18539, 21318
204 ... 19643
207 ... 20966
208 ... 20784
217 ... 19643, 20001, 21435
220 ... 20966
221 ... 20966
226 ... 18539, 19644, 21318, 21321, 22927
265 ... 21322
329 ... 20222, 20223, 21436
338 ... 18540
526 ... 21438
528 ... 22332
531 ... 22332
545 ... 22929
571 ... 20224
701 ... 20225

PROPOSED RULES:

220 ... 21008
526 ... 20237
528 ... 22374
531 ... 20237
701 ... 19403

13 CFR

107 ... 21439
112 ... 20000
116 ... 22298
121 ... 19352, 22172
303 ... 18541

PROPOSED RULES:

121 ... 21689

14 CFR

39 ... 18541, 19204-19210, 19644, 20785, 20786, 21441-21443, 21870, 21871, 22339-22341, 22931-22934
43 ... 22639
61 ... 22639
63 ... 22639
65 ... 22640
71 ... 18550, 19211-19213, 19645, 19646, 20225, 20787, 20788, 21443-21448, 21872, 21873, 22342, 22935, 22936
73 ... 21449, 21450, 22936
75 ... 18551, 21451
91 ... 22640
97 ... 19214, 21451
105 ... 22641
121 ... 22641, 22643
123 ... 22642
127 ... 22643
137 ... 22643
145 ... 22643
147 ... 22643
202 ... 20966, 21453
221 ... 21322
302 ... 21873
399 ... 19352, 22343
1205 ... 18646

PROPOSED RULES:

Ch. II ... 19667
25 ... 21900
39 ... 19666, 20237, 20818, 21463, 22374

14 CFR—Continued

71 ... 19235-19237, 20238, 20239, 20819, 20820, 21464, 22375-22377, 22985-22987
73 ... 19238, 20239
75 ... 20240
121 ... 20448, 22650
123 ... 22650
127 ... 20448, 22378
207 ... 20240, 20520, 21465
208 ... 20240, 20520, 21465, 22378
212 ... 20240, 20520, 21465
214 ... 20520
215 ... 21465
221 ... 20520
244 ... 21465
249 ... 21465
296 ... 21465
302 ... 19403, 21690, 22987
371 ... 20520
372 ... 20520
372a ... 20520
373 ... 20520
378 ... 20520
378a ... 20520
385 ... 21465
389 ... 21465
1210 ... 21691

15 CFR

376 ... 21323
379 ... 18991
385 ... 22343
399 ... 20484

PROPOSED RULES:

806 ... 22053

16 CFR

13 ... 18650, 18657, 20967, 20969, 21323, 21875-21877
1009 ... 19215
1032 ... 19216
1500 ... 21324, 22002, 22936
1510 ... 22002

PROPOSED RULES:

13 ... 18685, 19053, 21009, 21337, 22988, 22992
441 ... 19668
461 ... 18692
1145 ... 21838
1208 ... 19136
1307 ... 21839
1500 ... 21852
1700 ... 21853

17 CFR

1 ... 19647
140 ... 20970, 21659
145 ... 21659
230 ... 21660
231 ... 20484
239 ... 21660
240 ... 18556, 18557
241 ... 18557
249 ... 21660
270 ... 21664

17 CFR—Continued

274 ... 21664
275 ... 19224

PROPOSED RULES:

1 ... 22000
17 ... 22000
32 ... 21022
210 ... 19668
230 ... 22053
250 ... 22379
256 ... 22379
270 ... 19669

18 CFR

1 ... 20789
3 ... 20789
141 ... 19354
201 ... 19354
216 ... 19354
260 ... 19354

PROPOSED RULES:

Ch. I ... 20241
1 ... 19669
307 ... 18693

19 CFR

4 ... 22173, 22174
10 ... 20003
22 ... 22175
101 ... 18658, 19832
111 ... 21877
153 ... 22344, 22937
159 ... 18659, 18660

PROPOSED RULES:

4 ... 19417, 21693
101 ... 22752

20 CFR

404 ... 20972, 21880
422 ... 20973

PROPOSED RULES:

404 ... 19238, 19863
416 ... 18698, 18699, 19238, 21012, 21465
655 ... 22996
718 ... 18699, 19863

21 CFR

5 ... 20486, 20487, 22006, 22671
14 ... 18661, 20488, 21666-21668, 22672-22674
15 ... 18664
25 ... 18664, 22675
70 ... 22675
131 ... 19834, 21668
135 ... 19384
161 ... 19837
172 ... 18667, 19843
175 ... 22675
182 ... 19843, 22938
184 ... 19843, 22938
186 ... 19843, 22938
193 ... 20488, 22176, 22345
201 ... 22007
430 ... 20976
436 ... 20976
442 ... 20977

21 CFR—Continued

449 ... 22676
500 ... 22675
510 ... 19385
514 ... 22675
522 ... 20489
546 ... 19385
558 ... 19385, 19844
561 ... 20488, 22176
571 ... 22675
660 ... 19844
808 ... 18665, 22010
1308 ... 21324

PROPOSED RULES:

7 ... 20487
16 ... 20726
20 ... 20726
50 ... 19417
101 ... 20489, 22730
136 ... 22728
148 ... 19864
155 ... 19864
156 ... 19864
182 ... 18699, 22056
184 ... 18699, 19422, 22056
186 ... 18699
312 ... 23006
314 ... 23006
431 ... 23006
436 ... 21014, 22730
446 ... 21694
449 ... 22730
514 ... 23006
601 ... 23006
740 ... 19423
801 ... 18699
807 ... 23006
812 ... 20726
814 ... 23006
1020 ... 19879
1040 ... 19423

22 CFR

10 ... 18976
42 ... 19648
216 ... 20490

23 CFR

230 ... 19385
646 ... 22000
752 ... 19390
753 ... 19390
771 ... 20978
920 ... 18668

24 CFR

58 ... 19227
200 ... 18669
203 ... 19845
280 ... 19846
570 ... 19228
1914 ... 18671
1917 ... 22010–22029, 22177–22209, 22676–22706, 22939–22969
2205 ... 18992, 19229, 22029, 22346–22355

24 CFR—Continued

PROPOSED RULES:

201 ... 22058
1917 ... 18563–18570, 18700–18709, 22390–22410
4000 ... 20490
4001 ... 20491

25 CFR

41 ... 19649
42 ... 22000
43 ... 19650
43a ... 19650
43b ... 19650
43c ... 19650
43d ... 19650
43e ... 19650
43f ... 19650
43i ... 19650
43j ... 19650
43k ... 19650
43m ... 19650
44 ... 19650
45 ... 19650
49 ... 19650
50 ... 19650
113 ... 20003

PROPOSED RULES:

41 ... 19674
42 ... 22997

26 CFR

1 ... 19392, 19650, 19653, 21453
7 ... 18993, 19655
301 ... 18552, 20790
420 ... 19657

PROPOSED RULES:

1 ... 18570, 19675, 19678, 19679, 20020, 21465, 21695, 22059, 22706, 22997
20 ... 21465
25 ... 21465
31 ... 20020
32 ... 20020

27 CFR

4 ... 19846
18 ... 20493
250 ... 20494
251 ... 20495

PROPOSED RULES:

47 ... 21901
178 ... 21901
179 ... 21901

28 CFR

0 ... 20006, 20793, 22969
2 ... 22706–22707
16 ... 19849

PROPOSED RULES:

2 ... 22747
16 ... 19883, 21901, 22999

29 CFR

8 ... 19393
30 ... 20760
57 ... 19393
58 ... 19393
94 ... 21856, 23504
97 ... 21856, 23504
1910 ... 19584
1952 ... 19849, 20980–20985
2700 ... 19660

PROPOSED RULES:

575 ... 18570, 18709
1601 ... 22220

30 CFR

100 ... 23514
715 ... 21458
717 ... 21458
837 ... 20793

PROPOSED RULES:

75 ... 18710

31 CFR

103 ... 21671
203 ... 18967
214 ... 18970
226 ... 18972
317 ... 18972
321 ... 18972
515 ... 19851

32 CFR

Ch. XII ... 18993
273 ... 21325
641 ... 22356
804 ... 22970
806b ... 19230
809 ... 22970
809b ... 22970
809c ... 22970
816 ... 22970
835 ... 22030
865 ... 20795
872 ... 22970
873 ... 22970
874 ... 22970
881 ... 22970
882 ... 22970
886 ... 22970
888c ... 22970
905 ... 22970
906 ... 22970
908 ... 22970
955 ... 22970

PROPOSED RULES:

43a ... 23001
298a ... 19689
1910 ... 22999

33 CFR

1 ... 22657
3 ... 18553
110 ... 21459, 21880
117 ... 21459, 21881, 22970

33 CFR—Continued

204 20802
209 ..... 19660, 22970
238 19804
273 20000

PROPOSED RULES:

100 18571
117 ..... 22410, 23001
126 18571
154 18571
156 18571
161 18571
183 22411
239 22306
403 20820

36 CFR

7 21460
212 20006
223 21881
295 20006
904 22707

PROPOSED RULES:

223 20022

37 CFR

1 20458
3 20469
5 20470

PROPOSED RULES:

302 19384
303 20492

38 CFR

2 22972
36 22716

PROPOSED RULES:

18d 19166
21 22059

39 CFR

10 22717
111 ..... 19042, 21327, 22717
601 22717

PROPOSED RULES:

111 19689

40 CFR

35 21460
51 21673
52 ..... 22356-22358, 22717-22719
60 20986
61 20987
124 ..... 21266, 22160
125 ..... 21266, 22160
180 ..... 20802, 22359, 22724, 22973
413 22360
600 21412

PROPOSED RULES:

Ch. I 20821, 22060
35 21337
51 21466
52 ..... 19425, 20493, 20494, 20823, 22748
55 20823

40 CFR—Continued

PROPOSED RULES—Continued

60 ..... 21616, 21625, 22221
65 ..... 19239, 20022, 20023, 21902, 22221, 22749, 23002, 23004
124 22167
141 19055
180 ..... 19240, 20246, 21700, 22751
233 ..... 20024, 20025

41 CFR

Ch. I 20988
8-2 22031
8-7 22031
13-1 22035
13-3 22039
13-4 22039
50-201 22975
50-206 22977
60-4 18672
101-2 21882
101-25 18673
101-26 ..... 19852, 22210
101-30 18673

PROPOSED RULES:

29-50 21014

42 CFR

50 18679
51a 21154
448 20008
449 18679

PROPOSED RULES:

51f 19536
122 ..... 19988, 21274, 22858
123 21274
450 20495

43 CFR

Ch. II 19231

PROPOSED RULES:

14 22573
2650 22620
3200 20826
3220 20826

PUBLIC LAND ORDERS:

2301 (Revoked in part by PLO 5633) 19231
5492 (Revoked by PLO 5637) 19045
5497 (Revoked by PLO 5634) 19046
5498 (Revoked by PLO 5635) 19046
5633 19231
5634 19046
5635 ..... 19046, 21461
5636 19045
5637 19045

45 CFR

100a 18674
115 ..... 19126, 19758
146a 20495
182 18674

45 CFR—Continued

197 20009
199a 21329
205 20009
228 18680
801 19853
1061 21461
1068 19394
1623 21883

PROPOSED RULES:

164 22062
190 20922
234 21015
1061 ..... 21016, 21904
1211 18711
1232 19883
1607 21904
1611 21905
2012 23006

46 CFR

222 22981
502 ..... 19394, 19663
528 22041
549 22981

PROPOSED RULES:

10 22653
502 18572
512 20026
542 21337

47 CFR

31 21330
73 ..... 20497, 20499, 20988, 21678, 21884
76 ..... 20226, 22212
81 ..... 18678, 19853
83 ..... 19853, 20009, 22042
87 20803
97 ..... 19854, 21885

PROPOSED RULES:

0 19886
1 ..... 19690, 19886
15 19893
63 18711
73 ..... 18574, 18711, 19240, 19241, 19691-19693, 19895, 19896, 20247, 20249, 20496, 21701
74 19695
81 ..... 19690, 20026, 21701
83 20249
87 19690

49 CFR

Ch. II 21334
Ch. III 20011
173 ..... 21461, 21462
192 ..... 18553, 21462
195 18553
256 21886
386 19047
395 22360
567 21890
571 ..... 21,891, 21892, 22360-22364
581 20804
1003 21678

49 CFR—Continued

1033 ..... 18553, 19047-19052, 19395, 19396, 20235, 21336, 21893, 22212
1047 21894
1056 22982
1241 21894

PROPOSED RULES:

Ch. II 19696
171 22626
172 ..... 19242, 22626
173 ..... 19242, 20250, 22626
174 ..... 19242, 22626
175 ..... 19242, 22626
176 ..... 19242, 22626
177 ..... 19242, 22626
178 19242
179 20250
393 21337
395 21905

49 CFR—Continued

PROPOSED RULES—Continued

399 21338
512 22412
531 18575
571 ..... 18577, 19251, 21470, 21912, 22419-22420
572 ..... 21490, 22000
1000 20208
1056 18712
1065 18581
1109 22062
1121 22751

50 CFR

17 ..... 20499, 20938, 22042
26 22725
32 20989-20991
33 ..... 18679, 20236

50 CFR—Continued

230 22213
611 19232
651 ..... 19233, 20505
652 ..... 19396, 19397
661 ..... 21681, 22214

PROPOSED RULES:

Ch. VI 20498, 22064
17 ..... 20497, 21338, 21702, 21705, 22221
20 22421
23 ..... 18583, 19176
258 20255
285 20027
611 21170
651 21339
671 21170

FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
18533-18638	May 1	19999-20214	10	21635-21864	19
18639-18985	2	20215-20471	11	21865-21998	22
18987-19191	3	20473-20778	12	21999-22168	23
19193-19336	4	20779-20945	15	22169-22327	24
19337-19641	5	20947-21312	16	22329-22666	25
19643-19806	8	21313-21423	17	22667-22924	26
19807-19997	9	21425-21634	18	22925-23552	30

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-34]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, MULES, AND ZEBRAS

Contagious Equine Metritis (CEM)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises and strengthens the regulations which relate to contagious equine metritis (CEM). This action is needed to prevent the dissemination of CEM by horses and other equidae. The intended effect of this action is to provide flexibility needed in the regulations to permit the interstate movement of horses and other equidae when such movements can be made without undue risk to spread CEM.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Ralph C. Knowles, USDA, APHIS, VS, Federal Building, Room 738, Hyattsville, Md. 20782, 301-436-8433.

SUPPLEMENTARY INFORMATION: On April 4, 1978, a regulation was published in the FEDERAL REGISTER (43 FR 14022) which quarantined the State of Kentucky because of the existence of CEM. The regulation also imposed restrictions on the interstate movement of horses of the thoroughbred breed from or through the State of Kentucky. The present regulations provide that such horses which are geldings, and weanlings or yearlings which are not known to be affected with or exposed to CEM or exposed to any horse affected with CEM, may move interstate without restriction. Further, horses of the thoroughbed breed may move interstate into or from the State of Kentucky for racing or exhibition purposes without restriction. However, such horses may be moved interstate into or from the State of Kentucky for breeding purposes only is such breeding is performed by artificial insemination in the presence of and certified by an authorized State or Federal animal health official.

The present regulations were placed into effect on an emergency basis in order to control the movement of horses into, from and through the quarantined area and to prevent the spread of CEM. However, for many reasons the present provisions are not adequate to prevent the spread of CEM by the interstate movement of certain horses. The present regulations do not provide a method of tracing the interstate movement of horses from or through the quarantined State to insure that the animals move in compliance with the regulations. The regulations do not restrict the interstate movement of animals which are affected with or exposed to CEM, when the movement is other than from or through the quarantined State. Also, the present regulations fail to establish requirements regarding the cleaning and disinfection of means of conveyance used to transport affected or exposed animals interstate. Such provisions are necessary because CEM may be transmitted by such means of conveyance.

Further, the present regulations lack the flexibility needed to control the movement of diseased animals and permit nondiseased animals which are not a threat to the livestock of the United States to move safely interstate with a minimum of restrictions.

This document will change the regulations in an attempt to cure the aforementioned deficiencies. In order to trace the interstate movement from or through the quarantined State of certain thoroughbred horses, such horses will be required to be accompanied by a certificate issued by a State of Veterinary Services inspector or by an accredited veterinarian containing the following information: (1) The description of each animal covered by the certificate including its name, breed, color, sex, and distinctive markings, such as brands, tattoos, scars, or blemishes, if any; (2) the age of each animal covered by the certificate, with the age of each weanling or yearling recorded in days; (3) the number of animals covered by the certificate; (4) the purpose for which the animals are to be moved; (5) the points of origin and destination of the movement; (6) the names of the consignor and the consignee; and (7) a certification by the person issuing the certificate that the animal or animals identified on the certificate are not affected or exposed animals. The information required will also establish that the horse being moved is the horse listed on the certificate, thereby insuring that the particular horse is eligible to move under the regulations. Therefore, thoroughbred weanlings and yearlings will be required to be accompanied by a certificate when moved interstate from or through a quarantined State. The certificate will provide a means to insure that the particular animal is a weanling or yearling.

Such a certificate would also be required to accompany Thoroughbred mares or stallions which are not affected or exposed animals and which have not been bred naturally in the quarantined area after August 30, 1977, and which move interstate from a quarantined area for other than breeding purposes. If the horse has not had an opportunity to come in contact with CEM, it does not pose an undue threat to spread the disease. Also, if the purpose of such movement is for other than breeding purposes, the threat that such horse poses to disseminate CEM is further reduced because CEM is primarily transmitted through natural breeding. It should be noted that the provision that such horses have not been bred naturally in the quarantined area since August 30, 1977, has been included because the existence of CEM in the United States became known to the Department on that day, and therefore horses bred naturally after that date in a quarantined area present a disease threat since they would have had a possibility of having come in contact with CEM.

Such a certificate is also required for the interstate movement from or through a quarantined area of Thoroughbred mares or stallions which are not affected or exposed animals and have not been bred in the quarantined area except by artificial insemination since August 30, 1977, and which are so moved for breeding purposes if such breeding will be performed by artificial insemination in the presence of and certified to by a State or Federal animal health official. As noted above,

CEM is a disease primarily transmitted by natural breeding. If such breeding is done through artificial insemination, such horses would not pose an undue risk to spread CEM. However, in order to insure that such breeding is done through artificial insemination the certification of the Federal or State official observing the breeding is required.

Such a certificate is also required for the interstate movement through the quarantine area of a Thoroughbred horse which is not an affected or exposed animal, if moved through such area without contact with other horses while in such area. Again, as stated previously, because CEM is primarily a breeding disease, if a horse does not come in contact with other horses while in the quarantined area, it would not pose an undue risk to disseminate CEM.

Such a certificate is also required for the interstate movement from the quarantined area for breeding purposes of a mare or stallion which is not an affected or exposed animal, and which has not been on a premises since August 30, 1977, where an affected or exposed animal has been and which has not been naturally bred in the quarantine area after August 30, 1977, or which has been bred only by artificial insemination after August 30, 1977, if accompanied by a certificate.

As noted previously, CEM is primarily transmitted by natural breeding. A horse which is not an affected or exposed animal and which has not been naturally bred in the quarantined area or which has been bred in the quarantined area only by artifical insemination after August 30, 1977, should not present an undue risk to spread the disease. However, because such a horse will be moved for natural breeding, an additional safeguard, namely that the horse has not been on a premises since August 30, 1977, where an affected or exposed animal has been, is required. This further reduces the chance that the horse has come in contact with CEM. Therefore, under this provision of the regulations, such a horse may move interstate from the quarantined area for natural breeding purposes.

The regulations have also been amended to require that affected or exposed horses and other equidae shall not be moved interstate except for immediate slaughter directly to a federally inspected slaughtering establishment operated under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter and if accompanied by a permit. This requirement has been established because such animals obviously pose a threat to disseminate CEM and therefore must only be permitted to move interstate for immediate slaughter. The reason the types of slaughtering establishments are specified is that such establishments have Federal or State officials present who will insure that the horses are received and slaughtered. A permit is required because it will provide a means of identifying and tracing the particular animal. The regulations define a permit to be a completed VS Form 1-27 issued by a State or Veterinary Services inspector or by an accredited veterinarian for the interstate movement of affected or exposed animals for slaughter which, in addition to the information required to be stated on the form, shall state a description of each animal to be moved, including the name, age, color and distinctive markings, such as brands, tattoos, scars, or blemishes, if any. VS Form 1-27 is a standard form utilized in regulating the interstate movement of animals affected with or exposed to diseases other than CEM which are moving for purposes of slaughter and is equally suitable for horses and other equidae affected with or exposed to CEM moving to slaughter. However, for purposes of further insuring that the particular animal being moved is the animal listed on the certificate, the additional information is required.

The regulations are also amended by requiring that nonaffected and nonexposed horses and other equidae may move interstate for immediate slaughter only if they comply with the provisions for affected or exposed horses and other equidae moved for slaughter.

This requirement is necessary in order to provide a means of identifying the origin of such animals and to trace the movement of such animals which may be established at the time of slaughter to be affected with CEM.

Additionally, the regulations are amended by establishing cleaning and disinfection requirements for means of conveyance used to transport affected or exposed horses and other equidae interstate to slaughter. Such requirements are necessary to prevent the spread of CEM because CEM may be transmitted by the horse or other equidae to the means of conveyance or articles in the means of conveyance. Therefore, in order to prevent any other animals which the means of conveyance may subsequently transport from coming in contact with CEM, the means of conveyance must be cleaned and disinfected.

The regulations also define affected and exposed animals for purposes of this section. An affected animal is an animal from which bacteria causing CEM has been identified in a State or Federal animal disease diagnostic laboratory in accordance with Standard bacteriological methods. Such an animal is infected with CEM and poses a threat to the livestock of the United States. An exposed animal is defined as an animal which has had sexual or other physical contact with an affected animal, or which has been in physical contact with objects or persons that at the time of such contact were contaminated by previous contact with an affected animal. Due to the fact that CEM can be transmitted through direct physical contact with an affected animal or by indirect contact through vectors which have been in contact with an affected animal, animals which have such contact must be considered to be exposed to CEM.

The regulations also have included a definition of animal to include all types of equidae because CEM can affect all types of equidae. Further, the regulations include definitions of an accredited veterinarian, CEM, State Inspector, Veterinary Services Inspector, and weanling or yearling, for purposes of these regulations. Certain changes in the wording of the regulations have been made in order to conform to the statutory authority. Certain other minor editorial changes have been made in the regulations.

Accordingly, Part 75, Title 9, Code of Federal Regulations, is amended in the following respects:

1. Section 75.5 is amended to read as follows:

§ 75.5 Definitions.

For purposes of this section, the following terms shall mean:

(a) *Accredited Veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

(b) *Affected Animal.* An animal from which bacteria causing CEM has been identified in a State or Federal animal disease diagnostic laboratory by standard bacteriological methods.

(c) *Animal.* Any horse, ass, mule, zebra or other equidae.

(d) *Certificate.*[3] An official document issued by a State or Veterinary Services inspector or by an accredited veterinarian at the point of origin of a shipment of animals to be moved under this section which states:

(1) The description of each animal covered by the certificate including the name, breed, color, sex, and distinctive markings, such as brands, tattoos, scars, or blemishes, if any;

(2) The age of each animal covered by the certificate, with the age of each weanling or yearling recorded in days;

(3) The number of animals covered by the certificate;

(4) The purpose for which the animals are to be moved;

[3]The person issuing the certificate shall promptly forward copies of each certificate issued to the Chief Animal Health official of the State of origin and the Chief Animal Health official of the State of destination, respectively.

(5) The points of origin and destination of the movement;

(6) The names of the consignor and the consignee; and,

(7) Certification by the person issuing the certificate that the animal or animals identified on the certificate are not affected or exposed animals.

(e) *CEM.* Contagious Equine Metritis.

(f) *Exposed Animal.* An animal which has had sexual or other physical contact with an affected animal, or which has been in physical contact with objects or persons that at the time of such contact were contaminated by previous contact with an affected animal.

(g) *Permit.*[4] A completed VS Form 1-27 issued by a State or Veterinary Services inspector or by an accredited veterinarian for the interstate movement of affected or exposed animals for slaughter which in addition to the information required to be stated on the form shall state a description of each animal to be moved including the name, age, color, and distinctive markings, such as brands, tattoos, scars, or blemishes, if any.

(h) *State Inspector.* A veterinarian or livestock inspector regularly employed in animal health activities by a State or a political subdivision thereof, authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the United States Department of Agriculture.

(i) *Veterinary Services Inspector.* A veterinarian or livestock inspector employed by Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, in animal health activities, who is authorized to perform the function involved.

(j) *Weanling or Yearling.* Any horse not more than 731 days old on the date of interstate movement.

2. New §§ 75.6, 75.7, and 75.8 are added to read:

§ 75.6 General restrictions.

(a) Notice is hereby given that CEM, a communicable disease of horses, asses, mules, zebras, and other equidae exists in each area specified in § 75.7 of this part.

(b) Affected or exposed animals shall not be moved interstate except in accordance with the regulations in this part.

§ 75.7 Areas quarantined.

(a) Notice is hereby given that because of the existence of CEM in the breed of Thoroughbred horses in certain areas, and because of the nature and extent of such disease, the following areas are hereby quarantined:

(1) *Kentucky*—The entire Commonwealth.

§ 75.8 Restrictions on interstate movement.

(a) Except as provided in paragraph (b) of this section, no horse of the Thoroughbred breed shall be moved interstate from or through any quarantined area specified in § 75.7(a) of this part except in accordance with the following conditions:

(1) A gelding may be moved interstate without restriction;

(2) A weanling or yearling which is not an affected or exposed animal may move interstate if accompanied by a certificate;

(3) A mare or stallion which is not an affected or exposed animal and which has not been bred naturally in the quarantined area after August 30, 1977, may move interstate from the quarantined area for other than breeding purposes if accompanied by a certificate;

(4) A mare or stallion which is not an affected or exposed animal and which has not been bred in the quarantined area except by artificial insemination after August 30, 1977, may move interstate from the quarantined area for breeding purposes if such breeding will be performed only by artificial insemination in the presence of and certified to by a State or Veterinary Services Inspector, and if such horses are accompanied by a certificate; and

(5) A mare or stallion which is not an affected or exposed animal, which has not been on a premises since August 30, 1977, where any affected or exposed animal has been, and which has not been naturally bred in the quarantine area after August 30, 1977, or which has been bred only by artificial insemination in the quarantined area after August 30, 1977, may move interstate from the quarantine area for breeding purposes if accompanied by a certificate;

(6) A horse which is not an affected or exposed animal may move interstate through the quarantined area if accompanied by a certificate and if moved through such area without contact with other animals while in such area.

(b) *Movement of animals for immediate slaughter.* (1) No affected or exposed animal shall be moved interstate except for immediate slaughter directly to a federally inspected slaughtering establishment operated under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State-inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter and only if accompanied by a permit.

(2) Animals other than affected or exposed animals may be moved interstate for immediate slaughter only if they comply with all of the provisions for movement of affected or exposed animals for slaughter in subparagraph (b)(1) of this section.

(c) *Cleaning and disinfection.* Any means of conveyance used to transport affected or exposed animals interstate shall be thoroughly cleaned and disinfected after such movement in accordance with the provisions of §§ 71.6, 71.7, 71.10, 71.11, and 71.12 of the regulations in this subchapter.

(Sections 4-7, 23 Stat. 32, as amended, sections 1 and 2, 32 Stat. 791-792, as amended, sections 1-4, 33 Stat. 1264, 1265, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), 37 FR 28464, 28477; 38 FR 19141.)

In view of the nature of the disease and circumstances under which it is disseminated and in order to prevent the interstate spread of the disease, it is necessary that this amended regulation be placed in effect immediately. Therefore, the amendment must be made effective immediately to accomplish its purpose in the public interest.

Accordingly, under the administrative procedure provision in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 25th day of May 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

M. T. GOFF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-15110 Filed 5-26-78; 8:45 am]

[4]The person issuing each permit shall promptly forward copies of each permit issued to Animal Health officials indicated on the original and each copy of VS Form 1-27.

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; Docket No. R-0156]

PART 226—TRUTH IN LENDING

Preservation of Evidence of Compliance

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Federal Reserve Board amends the record retention requirements as to those creditors and lessors under the jurisdiction of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Federal Reserve Board and the National Credit Union Administration. These agencies proposed uniform guidelines for enforcement of the truth in lending provisions in October, 1977. Creditors and lessors affected by the amendment must retain all evidence of compliance in their possession, dating from July 1, 1969, until the agencies adopt final guidelines and complete at least one examination thereunder, subject to a minimum 2-year retention period. The amendment will preserve records of transactions which might be subject to corrective action once the guidelines are adopted and which might otherwise have been destroyed. The amendment is in response to a petition for rulemaking. The Board believes it is necessary to preserve enforcement options.

DATES: Effective date: May 30, 1978. Comments due on or before July 14, 1978.

ADDRESS: Send comments to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2761.

SUPPLEMENTARY INFORMATION: (1) Prior to this action, § 226.6(i) permitted all creditors to dispose of records evidencing compliance with Regulation Z when more than 2 years had elapsed from the date disclosures were required to be made. Under the uniform statement of enforcement policy proposed by the Federal financial regulatory agencies (42 FR 55786), corrective action might be required for violations of Regulation Z occurring more than 2 years prior to the date of discovery of the violation by the enforcing agency. If the guidelines as finally adopted specify a correction period greater than 2 years, the record retention requirement for transactions prior to that time would have expired. Thus, evidence of violations which might otherwise be subject to corrective action once the guidelines are adopted may have been destroyed before the guidelines are placed in effect.

(2) Pursuant to 5 U.S.C. § 553(e), Consumers Union has asked the Board to revise § 226.6(i) to require creditors to retain records until the enforcing agency has published final guidelines, has conducted one examination for compliance with the regulation and has assured that any required corrective action has been taken. In a Petition for Emergency Rulemaking submitted on April 24, 1978, Consumers Union alleged that destruction of records pending adoption and application of the guidelines would cause irreparable injury to consumers whose transactions might otherwise have been subject to corrective action in the form of reimbursement.

(3) The Board has determined that a revision of § 226.6(i) is necessary to preserve enforcement options. In making this determination, the Board takes no position on whether the guidelines as finally adopted will require reimbursement as a form of corrective action or whether violations occurring more than 2 years prior to discovery will be subject to corrective action. Depending on the course of action chosen by the agencies, the amendment may later be revised. However, the Board believes that the potential benefit to consumers outweighs the added responsibility which this rule places upon creditors and lessors.

(4) The revised rule retains the minimum 2-year retention period for all creditors and lessors. Under the revision, however, creditors and lessors subject to paragraph (2) must retain all records currently in their possession, even those as to which the 2-year period has elapsed, until all 3 of the conditions set forth in that paragraph have been satisfied.

(5) The Board has determined that compliance with the provisions of 5 U.S.C. § 553 relating to notice, public participation and deferred effective date would be contrary to the public interest. Pending completion of the general procedures required by that section, a large number of additional records could be irretrievably lost, substantially reducing the utility of this amendment. In making this determination, the Board recognizes that this action could have been taken at an earlier time, which might have permitted compliance with normal procedural requirements. However, at the time the guidelines were first proposed, the participating agencies believed that final action woud be taken shortly thereafter. In the Board's judgment, the record retention problem has become more acute as the deliberation process on the guidelines continues, increasing the need for the amendment. In view of the potential harm to consumers resulting from continuing to permit disposal of records, the Board believes that further delay for compliance with normal procedural requirements would not serve the public interest. Therefore, pursuant to 5 U.S.C. § 553(b)(B) and 5 U.S.C. § 553(d)(3) the Board is publishing this rule without notice and prior opportunity for comment, to become effective on publication.

(6) Although immediate adoption of this rule is considered essential for the reasons stated above, the Board will consider further revision of the rule. Interested persons are invited to review the rule and to submit relevant data, views, or comments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington. D.C. 20551. All material submitted should be received not later than July 14, 1978, and should include the docket number R-0156. Copies of any comments received will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR Part 261.6(a)). Consideration will be given to any comments received and the Board will amend the rule as determined necessary or desirable.

(7) Pursuant to the authority granted in 15 U.S.C. § 1604 (1968), the Board hereby revises 12 CFR Part 226 as follows, effective May 30, 1978.

§ 226.6 General disclosure requirements

* * * * *

(i) *Preservation and inspection of evidence of compliance.* (1) Evidence of compliance with the requirements imposed under this Part, other than advertising requirements under § 226.10, shall be preserved by the creditor or lessor for a period of not less than 2 years after the date such disclosure is required to be made.

(2) With respect to a creditor or lessor subject to the administrative enforcement jurisdiction of the Comptroller of the Currency, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), Administrator of the National Credit Union Administration or Board of Governors of the Federal Reserve System, all evidence of complience with the requirements imposed under this Part, dating from July 1, 1969, other than advertising requirements under § 226.10, shall be retained until:

(i) The administrative authority for that creditor or lessor completes one examination for compliance with the requirements imposed under this Part subsequent to adoption of a statement of enforcement policy,[a] and

(ii) A period of not less than 2 years has elapsed from the date that disclosure was required to be made.

[a] "Statement of enforcement policy" refers to a final statement based on the Joint Notice of Proposed Statement of Enforcement Policy published at 42 FR 55786 (1977).

(3) Each creditor or lessor shall, when directed by the appropriate administrative enforcement authority designated in section 108 of the Act, permit that authority or its duly authorized representative to inspect its relevant records and evidence of compliance with this Part.

2. Footnote 6a to § 226.7(a)(4) is redesignated footnote 6b.

By order of the Board of Governors, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14889 Filed 5-26-78; 8:45 am]

[6720-01]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 78-311]

PART 545—OPERATIONS

Electronic Fund Transfers Through Remote Service Units

MAY 24, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Bank Board, by this amendment, adopts a permanent remote service unit (RSU) regulation. A permanent regulation is needed to replace the Board's temporary RSU regulation, which expires on June 30, 1978. The new, permanent regulation includes consumer protection provisions, removes deadlines for RSU application and operating periods, and revises, shortens, and simplifies existing requirements.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION, CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, telephone 202-377-6440.

SUPPLEMENTARY INFORMATION: The Bank Board, by Resolution No. 78-98, dated February 15, 1978 (43 FR 7327-9; February 22, 1978), proposed to amend § 545.4-2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.4-2) to replace its temporary RSU regulation with a permanent one. The comment period closed on March 27, with 58 public comments received. Two banking trade associations opposed the regulation, contending that it would violate 12 U.S.C. 1464(b)(1) by authorizing demand withdrawal of funds from savings accounts. Fifty-six respondents (including 35 federally-chartered associations, 3 State-chartered associations, and 1 national bank) generally favored the regulation, but requested clarification or minor changes of sections of the regulation. In response to these requests, the Bank Board is revising the proposal by (1) combining and/or rearranging several sections in a more logical sequence; (2) expanding the consumer protection sections; and (3) clarifying application procedures.

Subparagraph (a) *Definition* has been rearranged alphabetically; the definition of a Supervisory Agent has been removed as redundant; a definition of "generic" data has been added; and the definitions of "Remote Service Unit" and "User" have been clarified. In response to questions about third party payment via telephone, the Bank Board reiterates that a telephone is not an RSU unless it is activated by a machine readable instrument. Therefore, most automatic telephone bill-paying systems do not fall within 12 CFR 545.4-2.

Seventeen respondents expressed confusion about the sharing limitations of the regulation. Subject to Bank Board approval, sharing is permitted with any financial institution. If anticompetitive implications so warrant, the Bank Board also may require sharing with any financial institution. Several respondents proposed amending the regulation to allow sharing with non-financial institutions, but the Bank Board has determined that such a step is premature. The Bank Board also wishes to clarify that, subject to its approval, a Federal association may share an automated teller machine located on its own premises or on the premises of another financial institution.

The Bank Board is still studying the interstate establishment and use of RSU's beyond what is currently permitted, but will presently continue the limitation in subparagraph (b).

Five respondents sought amplification of subparagraph (c) *RSU financial services.* This section lists traditional services which associations may offer through RSU's. Before seeking Bank Board approval, however, an association must obtain authorization from its board of directors to offer such services. Therefore, none are automatically "pre-authorized". The Bank Board believes that subparagraph (c)(4) encompasses all other related financial services an association may wish to offer.

The American Bankers Association opposed subparagraph (c)(4) on the ground that it "gives" the Bank Board authority to approve "unauthorized" services without giving the public an opportunity to comment. The Bank Board believes that to accommodate unforeseen circumstances and advances in electronic funds transfer technology it is important to retain in this provision authority to approve upon application financial services related to those specifically permitted.

VISA requested clarification of possible dual use of a credit card as a debit card to access an RSU account. The Bank Board is continuing to study the use of credit cards by Federal associations and will clarify their use in connection with RSUs at a later date.

Subparagraph (d) *Account agreements* is expanded to specify that agreements must be in writing and include information about rights and obligations in case of loss, theft, or error and as to the privacy of account information. To reinforce this requirement, parts (1) and (2) under subparagraph (f) have been transferred to this section and expanded to require written confirmation of notice of loss or theft.

Four respondents were concerned that the language of subparagraph (e) *Service charges* would preclude RSU systems which are already operational from imposing service charges if they do not currently do so. Five respondents questioned the notice requirement for changes in service charges. The section has been revised so that (1) service charges can be initiated on existing accounts; (2) notice must be given 30 days before charges are initiated or increased, not if they are decreased; and (3) notice and prior disclosure must be in writing.

The Bank Board carefully considered complaints of associations already operating experimental systems in regard to the precise words required to be imprinted on activators in (f) *RSU activator.* This section is revised so that the words "Not Transferable" or their equivalents must appear on each RSU activator.

Twenty-four respondents questioned the Bank Board's requirement of statements in 30 or 90-day cycles, depending on the activity of RSU accounts as described in subparagraph (g). The Bank Board believes that account statements are essential for consumer protection even if transactions are posted in passbooks. However, the Bank Board has decided to modify the section to require statements on a monthly or quarterly basis, as defined in the regulation.

Twenty-five respondents sought clarification of the provisions dealing with error resolution and RSU account losses. They urged modification of these sections, based on comparison to the recommendations of the National Committee on Electronic Fund Transfers. No clear model exists for debit card liability, but the Bank Board believes that the duty of notice by the consumer to the association, the time limits for notice and resolution of alleged error, and strict liabili-

ty on an association in the absence of consumer negligence comprise the fairest allocation of loss in an electronic system. The association is liable for errors caused by any aspect of the system over which the account- holder has no control and may be liable for all loss to the account- holder resulting from such errors. An association will not be liable for losses resulting from improper order by an authorized user (e.g., an order to pay $50 when the account contains only $10.).

Several comments suggested that associations recredit the accountholders' account pending resolution of an error, especially one involving a third party. The Bank Board is still studying this suggestion and may amend the regulation to require such recrediting at a later time. The subparagraphs dealing with error resolution and RSU account losses have been modified so that accountholders must give written notice of alleged errors and associations have ten business days after receiving notification to resolve the matter by correction or by delivering or mailing to the accountholder written confirmation of the transactions with copies of any documents relied on by the association.

Eleven respondents requested change and/or clarification of (j) *Privacy of account data.* A representative of an organization of credit bureaus suggested that the regulation would prohibit release of credit history information, and many respondents requested a clear definition of "generic" data. Release of credit information with written consent of the accountholder is clearly authorized in the regulation and should cause no delays to those authorized to seek credit information. "Generic" data as defined in new subparagraph (a)(2) is statistical information which does not identify any individual accountholder. To protect accountholders, the Bank Board has added a provision to the regulation ensuring that third parties and sharing financial institutions will treat account data of the Federal association with the same degree of confidentiality as Federal associations. The Bank Board, in fulfillment of its supervisory responsibility, must necessarily have access to account information; however, it will strictly adhere to prohibitions against unwarranted invasion of privacy contained in the Privacy Act, 5 U.S.C. 552(a).

In response to 20 comments concerning RSU access techniques and RSU receipts, the Bank Board has modified these sections to require (1) use of a PSI to access an RSU and (2) a receipt containing minimum information, signed by the accountholder and RSU operator if it is manually written in any part.

Subparagraphs (d), (e), (f), (g), (j), (k), and (l) are redesignated in the final regulation as (f), (g), (d), (j), (l), (e), and (k), respectively, in a more logical sequence.

In response to questions about availability of insurance (subparagraph (m) *Bonding*) and proper security measures, the Bank Board emphasizes that an association must take all reasonable measures to secure adequate bonding and security. For example, an association may condition placement of terminals at merchant establishments on compliance with strict security arrangements. In addition, the regulation now specifically requires appropriate security to protect against the unauthorized use, alteration, and disclosure of electronic data.

Subsection (o) has been expanded to prohibit a Federal association from requiring any person to become an RSU user as a condition of obtaining a loan or any other service offered by the association.

Subsection (p) *Applications* has been revised to allow 1 year, instead of 6 months, for approved systems to become operational. However, procedures for filing remain unchanged. The Bank Board believes that supervisory clearance prior to filing of an application actually saves time for both the Bank Board and the applicant. Other questions about the application, including those concerning the definition of "RSU activity" and the procedures for systems alteration, are answered within the revised application form itself.

A limitation has been added to subsection (q) that a Federal association may share an RSU controlled by an institution not subject to examination by a Federal regulatory agency only if such institution has agreed in writing that the RSU is subject to such examination by the Board as it deems necessary.

A new subparagraph (s) of the regulations allows existing operational projects a period of 6 months following the effective date of this regulation to conform to subparagraphs (d) through (l).

Accordingly, the Bank Board amends 12 CFR 545.4-2 to read as follows, effective July 1, 1978:

§ 545.4-2 Remote Service Units (RSUs).

(a) *Definitions.* As used in this section—

(1) "Activator" means a machine-readable instrument used to activate an RSU; a passbook may not be so used.

(2) "Generic data" means statistical information which does not identify any individual accountholder.

(3) "Personal security identifier" (PSI) means any word, number, or other security identifier essential for user access of an account through an RSU.

(4) "Remote service unit" (RSU) means an information processing device, including associated equipment, structures, and systems, by which information relating to financial services rendered to the public is stored and transmitted, instantaneously or otherwise, to a financial institution. Any such device not on the premises of any facility of a Federal association which, for activation and account access, requires use of an activator and PSI in the possession and control of the user, is an RSU.

The term includes, without limitation, both "on-line" computer terminals and "off-line" cash dispensing machines. It excludes automated teller machines on the premises of a Federal association, unless shared with other financial institutions. An RSU is not a branch, satellite, or other type of office, facility, or agency of a Federal association under §§ 545.14, 545.14-1, 545.14-2, 545.14-3, 545.14-4, 545.14-5, or 545.15.

(5) "RSU account" means a savings account (including a savings deposit) or loan account which may be accessed through an RSU.

(6) "User" means an RSU accountholder of a Federal association authorized to access an RSU.

(b) *General.* A Federal association may establish or use RSUs in the State of its home office or in the primary service area, as determined by the Board, of any of its out-of-State branches, and may participate in RSU operations with other financial institutions as the Board may approve.

(c) *RSU financial services.* A Federal association's board of directors may, by resolution, authorize it to offer any of these financial services to the public through RSUs:

(1) Crediting existing savings accounts;

(2) Debiting such accounts up to the available balance therein, provided that no negotiable or transferable order or authorization is used unless permitted by Federal law;

(3) Crediting payments on loans in which the association has an investment or which it is servicing; and

(4) Related financial services as the Board may approve upon application.

(d) *RSU activator.* Each RSU activator shall bear the words "Not Transferable" or their equivalent.

(e) *RSU access techniques.* A Federal association shall provide a PSI to each user and require its use when accessing an RSU; it may not employ RSU access techniques which require the user to disclose a PSI to another person.

(f) *Account agreements.* A Federal association shall clearly disclose in writing to each user before an RSU account is opened, all terms and conditions of the RSU agreement, including rights and obligations in case of loss, theft, or error and the privacy of account information. The association shall also inform each user that:

(1) Loss or theft of the activator should be promptly reported to a person or phone number specified by the association; and

(2) The PSI is for security purposes and should not be disclosed to third parties.

(g) *Service charges.* A Federal association may impose charges for RSU financial services.

(1) *New accounts.* A schedule of charges shall be disclosed in writing to a prospective user before an RSU account is opened.

(2) *Existing accounts.* Users shall be notified in writing 30 days before service charges are initiated or increased by the association.

(h) *Error resolution.* A Federal association shall establish error resolution procedures for RSU accounts, and inform users that:

(1) Written notification of error should be made within 60 days of receipt of the statement;

(2) Resolution of alleged error by correction or written confirmation of the transaction (including copies of any documents relied on by the association) shall be made by the association within 10 business days after receiving such notification.

(i) *Liability for loss.* A Federal association shall be liable to a user for RSU account losses resulting from the association's:

(1) Failure to carry out the user's transaction order correctly including such failure resulting from prior uncorrected error of the association;

(2) Failure to correct an account error within 10 business days after receiving written notification from the user; or

(3) Processing a transaction order from an unauthorized person, unless the association proves that such action resulted from the user's negligence.

(j) *Account statements.* A Federal association shall issue each user a statement of RSU account transactions monthly if the account has been used in that time, quarterly if not; such statement shall include at least the date, type, amount, and location of each RSU transaction;

(k) *RSU receipts.* Each RSU must provide to users at the time of an RSU transaction a receipt containing at least the following: Date, type, amount, and location of transaction, and information sufficient to identify the user. A receipt which is manually written must be signed by the user and the RSU operator.

(l) *Privacy of account data.* A Federal association shall allow users to obtain any information concerning their RSU accounts. Except for generic data or data necessary to identify a transaction, no Federal association may disclose account data to third parties, other than the Board or its representatives, unless express written consent of the user is given, or applicable law requires. Information disclosed to the Bank Board will be kept in a manner to ensure compliance with the Privacy Act, 5 U.S.C. 552(a). A Federal association may operate an RSU according to an agreement with a third party or share computer systems, communications facilities, or services of another financial institution only if such third party or institution agrees to abide by this section as to information concerning RSU accounts in the Federal association.

(m) *Bonding.* A Federal association shall take all steps necessary to protect its interest in financial services processed at each RSU, including obtaining available fidelity, forgery, and other appropriate insurance.

(n) *Security.* A Federal association shall protect electronic data against fraudulent alterations or disclosure. All RSUs shall meet the minimum security devices requirements of Part 563a of the Insurance Regulations as though such units were offices, as defined in § 563a.1 of said part, except to the extent that an applicant satisfies the Board that those requirements are inappropriate. Alternate measures satisfactory to the Board must be taken for installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, larcenies, and computer theft and to assist in identification and apprehension of persons who commit such acts.

(o) *Competitive implications.* The Board will consider competitive implications of applications made under this section and may, in an appropriate case, (1) request the views of the Antitrust Division of the Department of Justice, (2) request an applicant to obtain a business review letter from such Division under 28 CFR 50.6, and/or (3) require a Federal association to share RSU activities with another financial institution under reasonable terms and conditions. A Federal association may not enter into any agreement for exclusive right to engage in RSU activities at any location(s). A Federal association may not require any person to become an RSU user as a condition of obtaining a loan or any other service offered by the association.

(p) *Applications.*—(1) *General.* A Federal association shall obtain the Board's written approval before entering into any RSU activity or materially altering a previously approved one. Before applying for such approval, a Federal association shall obtain from the Supervisory Agent written advice that there is no present supervisory objection to such application.

(2) *Start-up date.* A Federal association shall have its approved RSU activity operational no later than 12 months after Board approval, unless the Board grants an extension.

(3) *Filing.* Two copies of any RSU activity application shall be filed with the Supervisory Agent. The original and two copies shall be sent to the Director, Office of Industry Development, Federal Home Loan Bank Board, Washington, D.C. 20552. Additional material may be requested by the Director or the Supervisory Agent. Applicants may file information to supplement or amend applications.

(q) *Board supervision.* Each Federal association which engages in any RSU activity shall be subject to rules and regulations which the Board may hereafter prescribe or any resolution which the Board may adopt, including requirements to terminate or modify such activity, whether engaged in separately or with others. A Federal association may share an RSU controlled by an institution not subject to examination by a Federal regulatory agency only if such institution has agreed in writing that the RSU is subject to such examination by the Board as it deems necessary.

(r) *Reporting.* A Federal association which engages in RSU activities shall submit to the Board, at the association's expense, such reports as the Board may require regarding such activities.

(s) *Exception for previously approved RSU projects.* Paragraphs (d) through (l) and (q) of this section shall apply beginning January 1, 1979, to Federal associations engaging in RSU activities approved prior to July 1, 1978.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 2, Pub. L. 93-100, 87 Stat. 342; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 78-14948 Filed 5-26-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-NE-1; Amdt. 39-3224]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Model JT3D Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD)

which requires a one-time blue etch anodize inspection of all first stage fan blades on Pratt & Whitney JT3D turbofan engines. The AD is required to detect forging laps which could result in noncontained blade fractures.

DATES: Effective August 10, 1978. Compliance required not later than March 1, 1980.

ADDRESSES: The applicable service bulletin and special instruction may be obtained from: Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. A copy of the service bulletin and special instruction is contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Daniel P. Salvano, Aerospace Engineer, Propulsion Section, Engineering and Manufacturing Branch, FAA, New England Region, 12 New England Executive Park, Burlington, Mass. 01803; telephone 617-273-7347.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time blue etch anodize inspection of first stage fan blades on all JT3D model engines was published in the FEDERAL REGISTER at 43 FR 1801. The inspection would detect the presence of forging laps in the fan blades.

The FAA requested that comments on the proposed AD be submitted on or before February 16, 1978. Representatives from FAA attended an Air Transport Association (ATA) meeting on January 28, 1978, at which industry discussed the impact of the NPRM and stated they would petition for an extension of the comment period. On January 31, 1978, the ATA petitioned the agency to extend the comment period to March 27, 1978, so that airlines operating JT3D engines could collect data and respond to the proposal. The agency granted the petition, and the comment period was extended to March 27, 1978.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from ATA on behalf of the airlines operating JT3D engines and the manufacturer, P&WA. The industry position was that AD action is not required in view of the low probability of fan blade failure and the likelihood that such a failure, if it did occur, would not endanger the aircraft or its passengers. It was also suggested that the proposed October 1, 1979, compliance date would present severe service and economic problems for the airlines.

The FAA has given careful consideration to these comments but does not agree that AD action is unwarranted. A review of the history of the failures reveals that of the 16 reported cases of fan blade failure due to forging laps, 9 (56 percent) have been uncontained. The FAA considers these uncontained failures to be an unsafe condition which must be prevented.

The FAA does agree that the compliance date could be extended. The proposed October 1, 1979, compliance date originally proposed was selected after a review of safety considerations and preliminary data on availability of replacement fan blades, shop capability of industry to perform the inspection, and the economic impact on the community, both the industry and the public. More complete data, now available, indicates this date to be unduly restrictive, and the compliance date is being extended to March 1, 1980.

DRAFTING INFORMATION

The principal authors of this document are Daniel P. Salvano, Propulsion Section, Engineering and Manufacturing Branch, and George L. Thompson, Office of the Regional Counsel, New England Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft JT3D turbofan engine models.

Compliance required not later than March 1, 1980, unless already accomplished.

To preclude failures of first stage fan blades due to forging laps, which could result in aircraft damage, perform a one-time blue etch anodize inspection of the blades in accordance with the procedures given in Pratt & Whitney Alert Service Bulletin 4733, dated May 5, 1977, or later FAA approved revision, and Special Instruction 2F77, dated January 28, 1977, or later FAA approved revision.

Fan blades that exhibit blue etch linear indications in the inspection areas shown in Figure 1 of ASB 4733 must be reworked or scrapped in accordance with the forging lap repair limits established in Figure 2 of ASB 4733, dated May 5, 1977, or later FAA approved revision.

NOTE.—The AD does not change the present fan blade blend limits given in the JT3D engine manual.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part thereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C.

A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at the New England Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); secs. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

Issued in Burlington, Mass., on May 18, 1978.

NOTE.—The incorporation by reference provisions of this document was approved by the Director of the Federal Register on June 19, 1967.

ROBERT E. WHITTINGTON,
Director, New England Region.

[FR Doc. 78-14890 Filed 5-26-78; 8:45 am]

[4910-13]

[Docket No. 78-CE-7-AD; Amdt. 39-3220]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 50, 65, and 70 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), applicable to all Beech 50, 65, and 70 series airplanes, which is a three-step action to reduce the probability of fatal accidents resulting from engine nacelle fires in these airplanes. These actions will increase the probability that fuel leaks in the engine nacelle will be detected, will improve the ability of the powerplant installation to contain a fire and will incorporate a reliable fire detector system to give the pilot early notification of a powerplant fire.

DATES: Effective June 1, 1978. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: Any Beechcraft Service Instructions noted in this AD may be obtained from local Beechcraft Aviation Centers (Dealers) or Beech Aircraft Corp., Commercial Service Department, 9709 East Central, P.O. Box 85, Wichita, Kans. 67201. Copies of the above service instructions are contained in Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C., and at the Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Aerospace Engineer, Engineering and Manufacturing

Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106; telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: The FAA has issued several previous ADs applicable to Beech Model 50, 65 and 70 series airplaines which were intended to reduce the possibility of fatal accidents resulting from inflight powerplant fires. Through June, 1976, the following ADs were issued:

(1) AD 72-18-7 (37 FR 18030) required installation of a flight manual supplement and an instructional placard on the instrument panel of the affected airplanes to advise the pilots of an emergency shutdown procedure to minimize fire harzards related to engine failure or nacelle or engine compartment fires;

(2) AD 72-18-8, as amended (37 FR 18030, 18031, 43 FR 9593, 9594), required replacement of certain hoses in the engine compartment and repetitive inspections of the engine compartment and nacelles for conditions likely to cause a powerplant fire and correction of these conditions where found;

(3) AD 73-23-4, as amended (38 FR 30867, 39 FR 2469, 39 FR 13072, 13073), required installation of fire-resistant shielding in the nacelle behind the firewall to reduce the probability of inflight engine compartment fires penetrating critical areas of the aircraft wing and nacelle;

(4) AD 76-13-03 (41 FR 25997) required inspection of certain serial numbers of one model to determine that the fire-resistant shielding required by AD 73-23-4 was in fact properly installed on these airplanes.

Within a 4-month period, May through August 1977, three fatal accidents related to or caused by inflight engine nacelle fires occurred involving a Beech Model 50 (Military U8D), Beech Model 65-80 and Model 65-88. Facts concerning these accidents available to the FAA indicated that substandard maintenance and pilot unawareness of the fire or incorrect operational decisions after its discovery contributed to the initiation of the fire and precluded its successful control. As a result, the FAA issued AD 77-25-01 (42 FR 61993-61995) on November 5, 1977, which required detailed inspection of the airplane to verify compliance with previous ADs, detection of conditions which might cause an engine nacelle fire, correction of these conditions if found and reporting thereof to the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

At the time AD 77-25-01 was issued, the FAA recognized that additional action might be indicated by the information contained in the field reports or subsequent engine nacelle fire incidents. After the issuance of this AD, a fatal accident, an inflight fire and a ground fire have occurred on three different 65-80 model airplanes on which compliance with this AD was recorded. On the basis of these occurrences and reported unsafe conditions found when complying with AD 77-25-01, the FAA concludes that during operation of these airplanes flammable fluid leakage will occur in the engine nacelle, this leakage will be ignited and, if the pilot does not take timely corrective action, a fatal accident will result. In view of this, the FAA has decided to take regulatory action, supplementing AD 77-25-01, which will require additional fire protection for these airplanes. These measures will reduce the probability of an engine nacelle fire and increase the probability that the pilot will detect any engine nacelle fire that does occur before the fire causes catastrophic damage. Actions considered were the installation of improved fire-resistant lines meeting current standards in the engine compartments and wheel wells, installation of a continuous type fire detector system in the engine compartments and wheel wells, installation of a fire extinguisher system in the engine compartments and the wheel wells, installation of shielding to preclude fire impingement on the wing main spar, safetying of all flammable fluid line fittings in the engine compartments and wheel wells, further development of the engine to improve engine reliability, redesign of the powerplant installation to remove the augmenters, and tightening of powerplant and wheel well inspection requirements. Of these possibilities, the FAA selected installation of improved fire-resistant lines meeting current standards in the engine compartments, installation of a continuous type fire detector system in the engine compartments and wheel wells, and modification of the daily preflight instructions to improve the detection of flammable fluid leaks. The FAA believes these actions will provide the desired level of safety at the least cost and inconvenience to the owner and compromise to the aircraft's utility.

With respect to presently installed "spot" type fire detector systems, the FAA has determined that in at least one fire incident flame impinged directly on one detector and the system failed to indicate the fire. In another instance, accident findings established that fire had been in the proximity of a "spot" detector element. However, the available evidence indicates that the pilot was unaware of the fire. The continuous type fire detector system has fail-safe design and is widely used in airplanes operated by scheduled airlines where it has demonstrated a high degree of reliability. The FAA believes that the high level of reliability required in this installation justifies the increased costs of the continuous type fire detector system.

Since the conditions described herein are likely to exist in other airplanes of the same type design, the FAA is issuing a new AD applicable to these airplanes making the above three selected actions mandatory. The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal authors of this document are: Donald L. Page, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

BEECH: Applies to the following models and serial number airplanes certified in all categories except those modified in accordance with STCs SA76SW, SA444SW, or SA587SW:

APPLICABILITY STATEMENT

Model	Serial Nos.
50	H-1 through H-11.
B50	CH-12 through CH-110.
C50	CH-111 through CH-360.
D50	DH-1 through DH-154.
D50A	DH-155 through DH-198.
D50B	DH-199 through DH-236.
D50C	DH-237 through DH-300.
D50E	DH-301 through DH-347.
E50	EH-1 through EH-70.
F50	FH-71 through FH-96 except FH-94.
G50	GH-94, GH-97 through GH-119.
H50	HH-120 through HH-149.
J50	JH-150 through JH-176.
65	L-1, L-2, L-6, LF-7 and after, and LC-1 through LC-239.
A65 and A65-8200.	LC-240 through LC-335.
65-80	LD-1 through LD-150 except LD-34 and LD-46.
65-A80 and 65-A80-8800.	LD-34, LD-46, LD-151 through LD-269.
65-B80	LD-270 through LD-512.
65-88	LP-1 through LP-47 except LP-27 and LP-29.
70	LB-1 through LB-35.

Compliance: Required as indicated unless already accomplished. To reduce the possibility of powerplant fire occurrence and improve powerplant fire containment and detection capabilities, accomplish the following:

(A) Within the next 25 hours time-in-service after the effective date of this AD, install in the existing Airplane Flight Manual, the temporary airplane Flight Manual Supplement included in this AD as Figure 1, or,

if available, the applicable Beech Aircraft Company Airplane Flight Manual or Pilot/Owner Handbook revision containing the same information.

(B) Within the next 100 hours time-in-service after the effective date of this AD:

(1) Replace existing fuel, oil, hydraulic, and oil vapor carrying hoses except drain lines in the engine compartment with equivalent length and diameter hoses meeting FAA Technical Standard Order C53A, Type C or D. Hose assemblies fabricated of Stratoflex Type 130 or Type 111 hose covered by fire-resistant sleeve, Stratoflex Type 2650 or 2607 or Aeroquip hose Type 303 covered with fire-resistant sleeve Type AE102 or 624 or an FAA-approved equivalent are acceptable except as noted below. (Steel fittings are required on three-eights and smaller size hoses. Pressure and pull test the hoses in accordance with industry practice.)

Replace the main oil supply hose running from the firewall to the engine with a Stratoflex Part No. 156F001-16D0200 hose assembly or Aeroquip 620100-16-0200 hose assembly or an FAA-approved equivalent.

On the Model 88 series airplanes, fabricate the hose from the engine hydraulic pump "oil out" to the firewall using high pressure type hose. Stratoflex Type 112 or Aeroquip Type 309 or FAA-approved equivalent is acceptable. Subject these hoses to a proof pressure test of 7000 PSI and install applicable hose manufacturer's fire sleeves of types noted above.

Stratoflex Type 130 or 111 hose or Aeroquip Type 303 hose with appropriate manufacturer's fire sleeve as noted above or an FAA-approved equivalent are acceptable for all other pressurization system hoses. Engine induction system hoses are not included in the requirements of this AD.

Use old hoses as a pattern when fabricating new hoses. Caution should be exercised to assure end fittings on new hoses are equivalent to old hose and fittings. Install hoses observing manufacturer's torque limits. The Queen Air Series Shop Manual contains acceptable limits. Apply paint or torque putty to fittings after tightening.

(2) On airplanes having supercharged engines, after changing all engine and installation fuel systems hoses but prior to connecting the hose between modulator and fuel injector nozzle located at the top of the induction housing, cap this hose at the nozzle end, select main tanks, turn main boost pumps ON, place mixture controls in rich position, and check all fuel carrying lines and fittings for leakage. Correct any leaks detected and recheck prior to installing hose on nozzle fittings.

(3) On airplanes having non-supercharged engines, after changing all installation fuel system hoses with mixture control in "cut off", select main tanks, turn main boost pumps ON, and check all fuel carrying lines and fittings for leakage. Correct any leaks detected and recheck.

(4) After determining that no fuel is trapped in the induction system, conduct the runup specified in Figure 1 and inspect all hoses and fittings for signs of fuel or oil leakage.

(C) On or before January 31, 1979 install continuous type fire detector systems in the engine compartment and wheel wells in accordance with Beech Service Kit 80-9010.

NOTE.—The compliance date for this paragraph was established on the basis of the most accelerated schedule the vendors of the detector components can meet and the estimated number of active airplanes of the affected models. The FAA recommends that every owner place an order for the necessary modification kit as early as possible.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

TEMPORARY AIRPLANE FLIGHT MANUAL SUPPLEMENT FOR BEECH MODEL 50 SERIES, 65 SERIES, A65 SERIES AND 70 AIRPLANES WITH RECIPROCATING ENGINES

(AD 78-11-01 requires this supplement to remain in the below designated airplane flight manual until replaced by an equivalent Beech Aircraft Co. Flight Manual or Owner Handbook revision.)

Model _____

N _____

S/N _____

In addition to the presently specified preflight procedures, prior to the first flight of each day accomplish the following.

1. Start both engines and operate at 1500 RPM. After the oil pressures stabilize, cycle the propellers to allow oil to flow to propeller hubs and shut down the engines using the mixture control.

2. Open the cowl doors on both sides of the engines and check all engine compartment fluid hoses and fittings for indications of fluid (fuel or oil) leakage. Check the wheel wells for these same conditions using a flashlight or supplemental light as necessary to provide adequate illumination of the area.

3. Correct any leak detected and secure cowl doors.

This amendment becomes effective on June 1, 1978.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 15, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-14891 Filed 5-26-78; 8:45 am]

[4910-13]

[Docket No. 78-CE-8-AD; Amdt. 39-3225]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 210M, T210M, P210, 310R, T310R, 340A, 402B, 404, 414, 414A and 421C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to Cessna Models 210M, T210M, P210, 310R, T310R, 340A, 402B, 404, 414, 414A and 421C airplanes. It requires, prior to further flight, that the Aircraft Radio and Control (ARC) Model 400B autopilot on these airplanes be made imperative and placarded to that effect, unless the autopilot was modified in accordance with Cessna Service Letter No. AV78-6, dated March 31, 1978. Immediate adoption and effectiveness of this AD is necessary because a failure of the servo actuator, ARC Model PA-495A-2, which is part of the ARC Model 400B autopilot, may prevent that servo from disengaging when the autopilot is disconnected. If this failure occurs, the "A/P OFF" annunciator will illuminate when the autopilot is disconnected and the pilot will not be aware of the servo's continued engagement until he attempts to change the airplane's flight attitude. At that time, the forces of the engaged servo will add to the flight load forces and can adversely affect safety of flight.

EFFECTIVE DATE: June 5, 1978, to all persons except those to whom it has already been made effective by air mail letter from the FAA dated May 11, 1978.

COMPLIANCE: As required in the body of the AD, unless already accomplished.

ADDRESSES: Cessna Service Letter AV78-6, dated March 31, 1978, applicable to this AD, may be obtained from Cessna Aircraft Co., Marketing Division, Attention: Customer Service Department, Wichita, Kans. 67201; Telephone 316-685-9111. A copy of the service letter cited above is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106 and at Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

E. L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3146.

SUPPLEMENTARY INFORMATION: The FAA has determined that the problem described in the Summary is an unsafe condition which is likely to exist or develop in other airplanes of the same type design. Since the agency also determined that an emergency situation existed and that immediate corrective action was required, notice and public procedure thereon were impracticable and contary to the public interest. Accordingly, all known registered owners/operators of the affected airplanes were notified of the AD by air mail letter from the FAA dated May 11, 1978. The AD became

effective as to those individuals upon receipt of the notification letter. Since the unsafe condition described in the Summary may still exist on other Cessna Models 210M, T210M, P210, 310R, T310R, 340A, 402B, 404, 414, 414A and 421 airplanes, the AD is being published in the FEDERAL REGISTER as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective as to all persons who did not receive the letter of notification.

DRAFTING INFORMATION

The principal authors of this document are: E. L. Tankesley, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr. Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

CESSNA: Applies to Model 210M, T210M, and P210 (Serial Numbers 21061574 through 21062583, and P2100001 through P2100010); Model 310R and T310R (Serial Numbers 310R0501 through 310R1302, 310R1304 through 310R315, 310R1317, and 310R1318); Model 340A (Serial Numbers 340A0001 through 340A0458, 340A0460 through 340A0466, 340A0468, and 340A0470 through 340A0483); Model 402B (Serial Numbers 420B1001 through 402B1331 and 402B1333 through 402B1338); Model 404 (Serial Numbers 404-0001 through 404-0218, and 404-0220 through 404-0222); Model 414 and 414A (Serial Numbers 414-0801 through 414-0965, 414A0001 through 414A0032, 414A0034 through 414A0038, and 414A0040 through 414A0047); and Model 421C (Serial Numbers 421C0001 through 421C0479 and 421C0481 through 421C0488) airplanes incorporating ARC Model 400B autopilot installations.

To preclude increased flight control forces caused by an autopilot actuator that has failed to disengage when the autopilot is disconnected, unless already accomplished:

(A) On airplanes not modified in accordance with Cessna Service Letter No. AV78-6, dated March 31, 1978, or later revision, before next flight, disable the Model 400B autopilot:

1. On affected 300 and 400 series airplanes by pulling and banding autopilot computer (COMP.) and actuator (ACT.) circuit breakers;

2. On affected 210 series airplanes by disconnecting the connector at the roll and pitch actuators and securing these connectors to prevent them from interfering with the flight controls;

and install a locally fabricated placard in plain view of the pilot indicating "Autopilot Inoperative."

NOTE.—The autopilot disabling and installation of a locally fabricated placard required by Paragraph A on affected 300 and 400 series airplanes constitutes preventative maintenance and may be performed by persons authorized to perform preventative maintenance under FAR 43.

(B) Upon accomplishment of the electrical autopilot actuator modification set forth in Cessna Service Letter No. AV78-6, dated March 31, 1978, or later revision, the autopilot may be returned to service and the "Autopilot Inoperative" placard removed.

(C) Airplanes may be flown to a base where Paragraph A of this AD may be accomplished if the autopilot is not used.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective June 5, 1978, to all persons except those to whom it has already been made effective by air mail letter from the FAA dated May 11, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89, Federal Aviation Regulations (14 CFR 11.89).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 19, 1978.

CHARLES A. WHITFIELD,
Acting Director, Central Region.

[FR Doc. 78-14895 Filed 5-26-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-WE-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Temporary Control Zone, San Luis Obispo, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a temporary control zone for the San Luis Obispo County Airport, San Luis Obispo, Calif. This action will provide controlled airspace for aircraft making instrument approaches to the San Luis Obispo County Airport during the annual California Air Guard summer encampment.

EFFECTIVE DATE: June 18, 1978.

ADDRESSES: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a temporary control zone for the San Luis Obispo County Airport, San Luis Obispo, Calif., during the June 18, 1978 through June 30, 1978 time period.

A temporary control tower will be furnished by the California Air Guard with air traffic control services provided by the 234th Combat Communications Squadron air traffic controller personnel.

Under the circumstances presented, the FAA concludes that the rule is temporary in nature and does not significantly impose any additional burden on any person but adds to air safety. Therefore, I find notice and public procedure under 5 U.S.C. 533(b) is unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. June 18, 1978 through June 30, 1978, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations to read:

SAN LUIS OBISPO, CALIF.

Within a 5-mile radius of the San Luis Obispo County Airport (latitude 35°14'11" North; longitude 120°38'26" West).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on May 17, 1978.

LEON C. DAUGHERTY,
Deputy Director,
Western Region.

[FR Doc. 78-14931 Filed 5-26-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-WE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments designate a temporary restricted area identified as R-2309 in the vicinity of Bill Williams River Valley, Ariz., to contain high explosive detonations. These amendments provide for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations of nonparticipating aircraft within the designated areas during the designated period.

EFFECTIVE DATE: July 13, 1978. Period of designation is August 27, 1978, through September 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On April 20, 1978, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate a temporary restricted area identified as R-2309 in the vicinity of Bill Williams River Valley, Ariz., to contain high explosive detonations and to include this restricted area in the continental control area for the duration of its time of designation (43 FR 16741). Interested persons were invited to participate in the rule making proceeding by submitting written comments on the proposal to the FAA. We received two responses to the NPRM in which the commenters posed no objections to the proposal. Sections 71.151 and 73.23 were republished in the FEDERAL REGISTER on January 3, 1978, (43 FR 344 and 664).

THE RULE

These amendments to Parts 71 and 73 of the Federal Aviation Regulations designate a temporary restricted area in the vicinity of Bill Williams River Valley, Ariz., to protect nonparticipating aircraft from a large scale airblast associated with a high explosive field test program called Misers Bluff which involves the detonation of high explosives. In addition, the airspace at and above 14,500 feet MSL during the designated period (continuously from 0001 August 27, 1978, through 2400 hours, local time September 2, 1978) is included in the continental control area. These amendments adopt the airspace actions proposed in the NPRM (43 FR 16741). In accordance with established FAA policies, the using agency has provided the FAA with a statement that the requirements of the National Environmental Policy Act have been met.

DRAFTING INFORMATION

The principal authors of this document are Mr. Richard Huff, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart D of Part 71 and Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (43 FR 344 and 664) are amended, effective 0901 G.m.t., July 13, 1978, as follows:

In § 71.151, the following temporary restricted area is added for the duration of its time of designation from 001 hours, August 27, 1978, through 2400 hours, local time, September 2, 1978:

R-2309 MISERS BLUFF, ARIZ.

In § 73.23, the following temporary restricted area is added:

R-2309 MISERS BLUFF, ARIZ.

Boundaries. A circular area with a 10-nautical mile radius centered at lat. 34°15.5′ N., long. 113°52.5′ W.

Designated altitudes. Within a 3,000-foot radius centered at lat. 34°15.5′ N., long. 113°52.5′ W., surface to FL 320; within the circular area that lies between the 3,000-foot radius and the 10-nautical mile radius centered at lat. 34°15.5′ N., long. 113°52.5′ W., 100 feet above the surface to FL 320.

Time of designation. Continuous, 0001 August 27 through 2400 hours, local time, September 2, 1978.

Controlling agency. Federal Aviation Administration, Albuquerque ARTCC.

Using agency. Defense Nuclear Agency Field Command, Kirtland Air Force Base, N. Mex.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 23, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 78-14896 Filed 5-26-78; 8:45 am]

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Self-Pressurized Household Substances Containing Vinyl Chloride Monomer; Classification as Banned Hazardous Substance

AGENCY: Consumer Product Safety Commission.

ACTION: Confirmation of final order.

SUMMARY: The Commission announces that no objections have been filed within the statutory period to its final order of March 24, 1978 classifying any household substance in a self-pressurized container containing vinyl chloride monomer, manufactured or imported on or after October 7, 1974, as a "banned hazardous substance." In this document the Commission, therefore, confirms the final order.

DATES: The effective date of the rule declaring any household substance in a self-pressurized container containing vinyl chloride monomer to be a banned hazardous substance is June 22, 1978. The rule is applicable to products which have been manufactured or imported on or after October 7, 1974.

FOR FURTHER INFORMATION CONTACT:

Charles Jacobson, Consumer Product Safety Commission, Directorate for Compliance and Enforcement, Division of Regulatory Management, Washington, D.C. 20207, 301-492-6400.

SUPPLEMENTARY INFORMATION: On March 24, 1978 the Commission published in the FEDERAL REGISTER, 43 FR 12308, a final regulation[1] pursuant to section 2(q)(1)(B) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261(q)(1)(B), declaring any

[1]Editorial note: The final regulation revised 16 CFR 1500.17(a)(10).

self-pressurized products intended or suitable for household use, manufactured or imported on or after October 7, 1974, that contain vinyl chloride monomer (VCM) as an ingredient or in the propellant to be "banned hazardous substances." The final regulation was a reissuance of an earlier fully retroactive ban (39 FR 30112) that had been set aside for failure to hold a hearing on objections to the retroactive effect of the regulation. (For a complete background discussion on the original ban, see the preamble to the March 24, 1978 notice.)

In the March 24, 1978 document the Commission affirmed its determination made in the original ban that self-pressurized household products containing vinyl chloride monomer are toxic hazardous substances within the meaning of the FHSA because of vinyl chloride monomer, which, when inhaled, has the capacity to produce substantial illness, specifically cancer. Because no safe level of human exposure to vinyl chloride monomer has been established, the Commission further affirmed its earlier finding that adequate cautionary labeling could not be written under the FHSA for self-pressurized household products containing VCM and concluded that the degree and nature of the hazard presented by the use of these products is such that the public health and safety can be adequately served only by keeping the products out of interstate commerce. In taking the banning action, the Commission noted that ample scientific evidence in the form of long-term animal bioassays and human epidemiological studies is available to demonstrate the carcinogenicity of vinyl chloride monomer by inhalation and to demonstrate that human exposure to the substance can result in angiosarcoma of the liver, a rare form of liver cancer.

The March 24, 1978 banning regulation also provided, as is required for the issuance of regulations pursuant to section 2(q)(1)(B) of the FHSA, that the procedures for rulemaking under section 701(e) of the Federal Food, Drug and Cosmetic Act would govern and that adversely affected persons could file objections and requests for a public hearing within 30 days of the publication of the Commission's final order.

The last day for the filing of objections with the Commission was April 24, 1978. Since no objections have been filed within the statutary period, the Commission in this document confirms its final order of March 24, 1978, declaring as banned hazardous substances any self-pressurized household products containing vinyl chloride monomer as an ingredient or in the propellant, manufactured or imported on or after October 7, 1974.

(Secs. 2(f)(1), (A), (B), (g), (q)(1)(B), 3(a), 74 Stat. 372, 374, as amended 80 Stat. 1304-05, 83 Stat. 187-189, 90 Stat. 503 (15 U.S.C. 1261, 1262); sec. 701 (e), (f), (g), 52 Stat. 1055-56, as amended 70 Stat. 919, 72 Stat. 948 (21 U.S.C. 371 (e), (f), (g)); sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)).)

Dated: May 23, 1978.

SADYE F. DUNN,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 78-14883 Filed 5-26-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER 1—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-150]

PART 153—ANTIDUMPING

Carbon Steel Plate From Japan

AGENCY: U.S. Treasury Department.

ACTION: Finding of dumping; final rule.

SUMMARY: This notice is to inform the public that separate investigations conducted under the Antidumping Act, 1921, as amended, by the U.S. Treasury Department and the International Trade Commission, respectively, have resulted in determinations that carbon steel plate from Japan is being sold at less than fair value and that those sales are injuring an industry in the United States. On this basis, a finding of dumping is being issued and, generally, all unappraised entries of this merchandise will be liable for the possible assessment of special dumping duties.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen Nyschot, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229 202-566-5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determining whether imported merchandise is being sold at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that carbon steel plate from Japan is being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of January 13, 1978 (43 FR 2032).) An "Amended Determination of Sales at Less Than Fair Value" was published in the FEDERAL REGISTER of March 27, 1978 (43 FR 12780).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States International Trade Commission responsibility for determining whether by reason of such sales at less than fair value a domestic industry is being or is likely to be injured. The United States International Trade Commission has determined, and on April 18, 1978, it notified the Secretary of the Treasury that a domestic industry is being injured by reason of less than fair value imports of carbon steel plate from Japan. (Published in the FEDERAL REGISTER of April 24, 1978 (43 FR 17410)).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to carbon steel plate from Japan.

For purposes of this notice, the term "carbon steel plate" means hot-rolled carbon steel plate, 0.1875 (3/16) inches or more in thickness, over 8 inches in width, not in coils, not pickled, not coated or plated with metal, not clad, and not cut, pressed, or stamped to non-rectangular shape.

Section 153.46 of the Customs Regulations (19 CFR 153.46) is amended by adding the following to the list of findings of dumping currently in effect:

§ 153.46 List of current findings.

* * * * *

Merchandise, country and T.D.

Carbon steel plate, Japan, 78-150.

(Secs. 201, 407, 42 Stat. 11, as amended, 18 (19 U.S.C. 160, 173).)

ROBERT H. MUNDHEIM,
General Counsel.

MAY 23, 1978.

[FR Doc. 78-15014 Filed 5-26-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 77N-0177]

SODIUM THIOSULFATE; AFFIRMATION OF GRAS STATUS AS A DIRECT AND AN INDIRECT HUMAN FOOD INGREDIENT

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule affirms that sodium thiosulfate is generally recog-

nized as safe (GRAS) as a direct and indirect human food ingredient. This action is taken because the safety of this ingredient has been evaluated under the comprehensive safety review being conducted by the agency.

EFFECTIVE DATE: June 29, 1978.

ADDRESS: Written objections to the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 20, 1977 (42 FR 47216), a proposal was published to affirm that sodium thiosulfate is generally recognized as safe for use as a direct and an indirect human food ingredient. The proposal was based on safety information developed by the Select Committee on GRAS substances. The proposal was published in accord with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), relating to the affirmation of GRAS food ingredients, copies of the scientific literature review on sodium thiosulfate, an evaluation of mutagenic tests, two reports on the teratology screening tests, and the report of the Select Committee on GRAS substances have been made available for public review in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Copies of these documents have also been made available for public purchase from the National Technical Information Service, as announced in the proposal.

In addition to proposing to affirm the GRAS status of sodium thiosulfate, the Commissioner of Food and Drugs gave public notice that he was unaware of any prior-sanctioned food ingredient use for this ingredient other than for the proposed conditions of use. Persons asserting additional or extended uses, in accordance with approval granted by the U.S. Department of Agriculture or the Food and Drug Administration prior to September 6, 1958, were given notice to submit proof of such a sanction so that the safety of prior-sanctioned uses could be determined at this time. That notice was also an opportunity to have prior-sanctioned uses of sodium thiosulfate approved by issuance of an appropriate regulation under Part 181—Prior-Sanctioned Food Ingredients (21 CFR Part 181), provided prior-sanctioned use could be affirmed as safe on the basis of data now available to the Commissioner. Notice was also given that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert sanction at any future time.

No reports of a prior-sanctioned use for sodium thiosulfate were submitted in response to the proposal. Therefore, in accordance with that proposal, any right to assert a prior sanction for use of sodium thiosulfate under conditions different from those set forth in this regulation has been waived.

One comment was received in response to the proposal. The comment mentioned that sodium thiosulfate is used to neutralize the antimicrobial activity of certain sanitizers in water treatment processing. The comment asked if such information had been considered during the safety review of this substance.

The Commissioner recognizes that sodium thiosulfate is being investigated for use in drinking water to neutralize the antimicrobial activity of substances such as chlorine and antimicrobial preparations containing silver ion. However, the Commissioner is not aware of any evidence to suggest that antimicrobial agents that are commonly added to foods are inactivated by sodium thiosulfate. Further, this regulation is not intended to permit such use for sodium thiosulfate. It is expected that very little, if any, additional stimulation of microbial growth would occur in foods as a consequence of the uses of sodium thiosulfate permitted by this regulation.

The Commissioner therefore concludes that no change in the proposal to affirm the GRAS status of sodium thiosulfate is warranted. Accordingly, it is being promulgated without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 182, 184, and 186 are amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.90 [Amended]

1. By amending § 182.90 Substances migrating to food from paper and paperboard products, by deleting the entry of "Sodium thiosulfate (additive in salt)."

§ 182.6807 [Deleted]

2. By deleting § 182.6807 Sodium thiosulfate.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. By adding new § 184.1807 to read as follows:

§ 184.1807 Sodium thiosulfate.

(a) Sodium thiosulfate ($Na_2S_2O_3 \cdot 5H_2O$, CAS Reg. No. 010102-17-7) is also known as sodium hyposulfite. It is prepared synthetically by the reaction of sulfides and sulfur dioxide (SO_2), the reaction of sulfur and sulfite, or the oxidation of metal sulfides and hydrosulfides.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972), as amended by the first (1974) supplement.[1]

(c) The ingredient is used as a formulation aid as defined in § 170.3(o)(14) of this chapter and reducing agent as defined in § 170.3(o)(22) of this chapter.

(d) The ingredient is used in alcoholic beverages and table salt in accordance with § 184.1(b)(1) at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.00005 percent for alcoholic beverages as defined in § 170.3(n)(2) of this chapter and 0.1 percent for table salt as defined in § 170.3(n)(26) of this chapter.

(e) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

4. By adding new § 186.1807 to read as follows:

§ 186.1807 Sodium thiosulfate.

(a) Sodium thiosulfate ($Na_2S_2O_3 \cdot 5H_2O$, CAS Reg. No. 010102-17-7) is also known as sodium hyposulfite. It is prepared synthetically by the reaction of sulfides and sulfur dioxide (SO_2), the reaction of sulfur and sulfite, or the oxidation of metal sulfides and hydrosulfides.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972), as amended by the first (1974) supplement.[1]

(c) The ingredient is used or is intended for use as a constituent of paper and paperboard food packaging materials.

(d) The ingredient used at levels not to exceed good manufacturing practices.

[1]Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

(e) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

Effective date. This regulation is effective June 29, 1978.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: May 23, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

NOTE.—Incorporation by reference approved by the Director of the office of the Federal Register on July 10, 1973 and June 27, 1977. Copies of referenced material are on file in the Federal Register library.

[FR Doc. 78-14859 Filed 5-26-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1058]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of Boonton, Mooris County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Boonton, Morris County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Boonton, Morris County, N.J.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Boonton, Morris County, N.J., are available for review at the Municipal Building, Powerville Road, Boonton, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Boonton, Morris County, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Rockaway River	Southeast corporate limits.	485
	Powerville Rd	497
	Southwest corporate limits.	499
Beaver Brook	Valley Rd	498
	Rockaway Valley Rd	505
	Meadowbrook Rd. (upstream).	513
	Northeast corporate limits.	550
Unnamed creek	Rockaway Valley Rd	509
	Dixon's Pond	559
Stony Brook	Luff Rd. (extended)	507
	Powerville Rd	512

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14034 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-2828]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Ellisburg, Jefferson County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Ellisburg, Jefferson County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the town of Ellisburg, Jefferson County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Ellisburg, Jefferson County, N.Y., are available for review at the Town Hall, Ellisburg, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Ellisburg, Jefferson County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sandy Creek	State Route 193	301
	State Route 289	442
	Mathers Mills Rd	485
Bear Creek	Milk Plant Rd	564
	ConRail	591
	Church Rd	616
	Wardwell Settlement Rd.	617
	Route 11 (upstream side).	621
	Queens Farm Reservoir dam.	665
	Upstream corporate limits.	700
Skinner Creek	South corporate limits	249
Lake Ontario	Northwest corporate limits.	251
	Jefferson Park Rd	251
	Montario Rd	251
	Renshaw Bay Rd	249

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14038 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3007]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Manitowoc County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Manitowoc County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Manitowoc County, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Manitowoc County, are available for review at Manitowoc County Courthouse, 110 South Eighth, Manitowoc, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Manitowoc County, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Molash Creek	State Trunk Highway 177.	589
East Twin River	County Trunk Highway BB.	639
	County Trunk Highway B, upstream of Zander Rd.	638
	Zander Rd	634
	State Highway 163	632
	Holmes Rd	627
	Tapawingo Rd	622
	Hillview Rd	619
	Rockledge Rd	614
	State Trunk Highway 147.	608
	County Trunk Highway B at Mishicot.	604
	Steiners Rd	598
	Sturm Rd	595
	East Hillcrest Rd	593
	Maplewood Rd	590
	County Trunk Highway VV.	585
Neshota River	County Trunk Highway BB.	688
Devils River	County Trunk Highway T*.	784
	Chicago & Northwestern Ry.	772
	Maribel Rd	745
	Pleasant Rd	727
	Interstate 43	714
	U.S. Highway 141	672
Little Manitowoc River.	Farm Rd	647
	Goodwin Rd	643
	Old County Highway Q	621
	County Highway Q	612
	County Trunk Highway Q, upstream crossing.	607
	County Trunk Highway Q, downstream crossing.	600
	County Trunk Highway B.	594
Tributary to Branch River at Riefs Mills.	Riefs Mills Rd	754
	Town Rd at Riefs Mill	751
Branch River	County Highway H	740
	Town Rd at Riefs Mill	739
	Danmar Rd	726
	Game Farm Rd	707
	County Highway D	704
	U.S. Highway 10	702
	Branch River Rd	700
	North Union Rd	689
Manitowoc River	County Trunk Highway JJ.	810
	Liest Rd	804
	State Trunk Highway 148.	793
	County Highway S	752
	County Trunk Highway H.	734
	Union Rd	705
	Interstate 43	651
	County Trunk Highway JJ.	608
	State Trunk Highway 119.	590
	U.S. Highway 141	590
Silver Creek	U.S. Highway 151	737
	Soo Line RR., upstream crossing.	735
	Soo Line RR., downstream crossing.	733
	West Caster St	731
	West Caster St. (Old)	730
	Alverno Rd	728
	U.S. Highway 151	722
	Victoria Lane	718
	State Highway 42	708
	Hecker Rd	686
	Interstate 43	672
	U.S. Highway 141	668
	Chicago & Northwestern, RR.	641
	26th St	640
	19th St	635
	Silver Creek Rd.**	630
	Silver Creek Rd.*	623
Calvin Creek	U.S. Highway 141	656
	Chicago & Northwestern Ry.	655
	Northeim Rd	652
	St. Peters Rd.**	641
	St. Peters Rd.*	636
	County Trunk Highway LS**.	600
	County Trunk Highway LS*.	593
Pine Creek	Gass Lake Rd	637
	County Trunk Highway U.	598
	County Trunk Highway LS.	594
Point Creek	U.S. Highway 141	640
	Chicago & Northwestern Ry.	633
	Centerville Rd	631
	Ucker Point Creek Rd	617
	County Trunk Highway LS.	592
Fischer Creek	U.S. Highway 141	612
	Chicago & Northwestern Ry.	610
	Centerville Rd	601
	County Trunk Highway LS.	585

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Centerville Creek..	South Cleveland Rd.....	707
	Interstate 43.....	693
	West Washington Rd.....	691
	State Trunk Highway 149.	680
	County Trunk Highway XX.	665
	Chicago & Northwestern Ry.	635
	Center Rd.....	623
	North Ave.....	608
Meeme River.....	County Trunk Highway X**.	804
	County Trunk Highway X*.	802
	Wilmas Rd.....	784
	Farm bridge.....	775
	County Trunk Highway MM**.	757
	County Trunk Highway MM*.	755
	East Spring Valley Rd....	751
	State Trunk Highway 42	751
	State Trunk Highway 149.	735
	West Washington Rd.**.	730
	West Washington Rd.*...	728
	South Cleveland Rd.....	726
Sheboygan River...	State Highways 67 and 32.	889
	County Trunk Highway AA, downstream of State Highways 67 and 32.	887
	Mud Lake Rd.....	886
	County Trunk Highway AA, downstream of Mud Lake Rd.**.	863
	County Trunk Highway AA, downstream of Mud Lake Rd.*.	861
	State Trunk Highways 32 and 57**.	859
	State Trunk Highways 32 and 57*.	857
West Twin River...	Zonder Rd.....	685
	Natchway Rd.....	681
	State Trunk Highway 147.	630
	Melnik Rd.....	628
	County Trunk Highway Y.	624
	Fisherville Rd.....	620
	County Trunk Highway Q.	611
	County Trunk Highway VV.	604
	County Trunk Highway B.	591

*Downstream side.
**Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14007 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3252]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Jefferson County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Jefferson County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Jefferson County, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Jefferson County, are available for review at Jefferson County Courthouse, 320 South Main Street, Jefferson, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Jefferson County, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock River.....	County Trunk Highway CW bridge.	847
	State Highway 135 bridge.	842
	County Trunk Highway P bridge.	837
	Chicago, Milwaukee, St. Paul & Pacific Ry. bridge.	826
	Chicago & Northwestern Ry. bridge.	793
	State Highway 106 bridge.	789
Koshkonong Creek.	County Trunk Highway O bridge.	843
	Chicago & Northwestern Ry. bridge.	838
	U.S. Highway 18 bridge..	831
	Rockdale Road Bridge....	796
Whitewater Creek	Town Road Bridge.....	798
	Fremont Rd. at Cold Spring.	788
Oconomowoc River.	Morgan Rd. (county line).	849
	Elm Drive Bridge.....	847
	River Road Bridge (upstream side).	843
Bark River.....	County Trunk Highway D bridge.	789
Crawfish River.....	County Trunk Highway A bridge.	792
	U.S. Highway 18 bridge..	790

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14005 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3344]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Loudon County, Tenn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Loudon County, Tenn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Loudon County, Tenn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Loudon County, Tenn., are available for review at the bulletin board in the lobby of the County Courthouse, Loudon County, Tenn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Loudon County, Tenn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tennessee River	County boundary (downstream).	748
	Interstate 75	751
	Southern Railway bridge.	754
	U.S. Highway 11 (Lee Highway).	754
	Mouth of Little Tennessee River.	760
	Fort Loudon Dam	761
Sweetwater Creek	River Rd. (State Route 72).	751
	Queener Rd	769
	Roberson Spring Rd	773
	Private Rd. (river mile 6.9).	824
	Confluence of Pleasant Run Branch.	845
	County road (river mile 9.7).	851
	Confluence of Bacon Creek.	852
	Sweetwater Pike	853
	Southern Railway Bridge.	860
	County boundary	866
Steekee Creek	County road (river mile 1.85).	772
	Corinth Rd. (river mile 1.99).	775
	Corinth Rd. (river mile 2.85).	805
	Corinth Rd. (river mile 3.30).	836
	Private road (river mile 3.90).	870
	Field Rd.	882
	Private road (river mile 4.40).	907
	Steekee Creek Rd	926
Little Tennessee River.	Tellico Dam (downstream).	760
	Tellico Dam (upstream).	815
	County boundary	815
Baker Creek	Confluence with Little Tennessee River.	815
	Private road (river mile 6.0).	831
	Louisville & Nashville RR. bridge.	836
	State Route 95	837
	County boundary	846
Clinch River	do	751
	State Route 95	752
	Melton Hill Dam (downstream).	753
	Melton Hill Dam (upstream).	796
	County boundary	796
Bacon Creek	Corporate limits	857
	Ford Rd	874
Town Creek	Simpson Rd	793
	Town Creek Rd	820
	Private road (river mile 2.75).	834
	Private road (river mile 3.5).	851
	State Route 95	861
	Shaw Ferry Rd	861
	Field Rd	868
	Ford Rd	893
	Clifford Smith Rd	906
	Kingston Pike (U.S. Highway 70).	913
Muddy Creek	Southern Railway spur	761
	Fort Loudon Dam access road.	761
	State Route 95	761
	Lakeview Rd	768
	Private road (river mile 2.8).	774
	Southern Railway	798
	Martel Rd	798
	County road (river mile 3.95).	800

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administration, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14016 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3345]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Rowlett, Dallas, and Rockwall Counties, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Rowlett, Dallas and Rockwall Counties, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Rowlett, Dallas and Rockwall Counties, Tex.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Rowlett, Dallas and Rockwall Counties, Tex., are available for review at City Hall, Rowlett, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determintions of flood elevations for the city of Rowlett, Dallas and Rockwall Counties, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community of from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rowlett Creek	Just downstream of Miller Rd.	442
	Just upstream of (new) State Highway 66.	452
Stream 2A3	Just downstream of Liberty Grove Rd.	472
Stream 2A4	Eastern corporate limits	454
Stream 2A5	Just upstream of Dalrock Rd. (southern crossing).	468
Muddy Creek	Just downstream of Liberty Grove Rd.	442
Stream 2E10	Just downstream of Chiesa Rd.	444
Stream 2E9	Approximately 70 ft upstream of Edgewater Dr.	451
	Approximately 70 ft downstream of Liberty Grove Rd. Loop 372.	469
Stream 2E2	Approximately 100 ft downstream of Liberty Grove Rd.	451
Long Branch	Just upstream of Kirby Rd.	444
	Just upstream of Miller Rd.	469
	Just upstream of Missouri-Kansas-Texas RR.	489
Stream 2E1	Kyle Rd. (extended)	472

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14020 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3356]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the County of Fluvanna, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the County of Fluvanna, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the county of Fluvanna, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Fluvanna, Va., are available for review at the Clerk's Office Building in the Clerk's Office, Palmyra, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the county of Fluvanna, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	State Route 690 (downstream).	213
	State Route 690 (upstream).	217
	U.S. 15 (downstream)	232
	U.S. 15 (upstream)	234
	Upstream county boundary.	285
Rivanna River	Chessie System	217
	State Route 6	223
	State Route 615	246
	Chessie System	248
	U.S. 15	256
	State Route 600	275
	Upstream county boundary.	287

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14029 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3361]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Lander, Fremont County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Lander, Fremont County, Wyo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Lander, Wyo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Lander, are available for review at City Hall, 183 South Fourth, Lander, Wyo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the city of Lander, Wyo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Popo Agie River.	Second Street Bridge	5,377
	Highway 287 Bridge	5,340
Baldwin Creek	Second Street Rd	5,296
Squaw Creek	Baldwin Creek Rd	5,361
	U.S. Highway 287	5,346

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14010 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3364]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Sheridan, Sheridan County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Sheridan, Sheridan County, Wyo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Sheridan, Wyo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sheridan, are available for review at City Hall, 55 Grinell, Sheridan, Wyo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Sheridan, Wyo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Goose Creek	Corporate limits near Highway 338.	3,700
	Upstream of Fort Road Bridge.	3,712
	Upstream of 8th Street Bridge.	3,722
	Upstream of 5th Street Bridge.	3,725
	Upstream of Dow Street Bridge.	3,735
	Upstream of Louck's Street Bridge.	3,749
	Upstream corporate limits.	3,769
Little Goose Creek	Main Street Bridge	3,728
	Upstream of Sheridan Avenue Bridge.	3,738
	Upstream of Park Street Bridge.	3,745
	Upstream of Coffeen Street Bridge.	3,761
	Corporate limits (near U.S. 14).	3,783

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14011 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3366]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Worland, Washakie County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Worland, Washakie County, Wyo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Worland, Wyo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Worland, Wyo., are available for review at City Hall, Bighorn and 9th, Worland, Wyo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insur-

ance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Worland, Wyo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Horn River	Culberson Ave. Bridge	4,049
	State Highway No. 20 Bridge.	4,047
Sage Creek	Driveway Bridge (1.29 miles above confluence with Big Horn River).	4,075
	Driveway Bridge (1.21 miles above confluence with Big Horn River).	4,072
	Railroad Bridge (0.46 miles above confluence with Big Horn River).	4,057
	Railroad Bridge (0.44 miles above confluence with Big Horn River).	4,057

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14012 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3423]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Lorain, Lorain County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Lorain, Lorain County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Lorain, Lorain County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lorain, Lorain County, Ohio, are available for review at the bulletin board outside the Clerk of the Council's Office, City Hall, 200 West Erie Avenue, Lorain, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5881 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Lorain, Lorain County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. (980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation, in feet, national geodetic vertical datum
Black River	Henderson Dr	577
	Confluence of French Creek.	587
	31st St	591
Martins Run	Sherwood Dr	585
	Leavitt Rd	601
	Oberlin Ave	632
	Cooper Foster Rd	669
	Broadway St	688
Beaver Creek	U.S. Route 6	578
	Longbrook Rd	590
36th St. Ditch	Palm Ave	634
	Clinton Ave	638
	Pearl Ave	639
Clinton Ave. Ditch	Homewood Dr. (upstream).	639
	42nd St. (upstream)	647
	North Ridge Rd	678

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14046 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3448]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for St. Charles County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in St. Charles County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for St. Charles County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for St. Charles County, are available for review at County Administration Building, 118 North 2nd Street, St. Charles. Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for St. Charles County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River	Burlington Northern RR.	437
Missouri River	U.S. Highway 40 and 67	467
	Burlington Norther RR	437
Belleau Creek	Plackmeier Dr	532
	U.S. Highway 40	470
	Missouri Highway 79 (new).	448
Dardene Creek	Hennings Rd	490
	State Route N	474
	Cottleville Rd	465
	State Route C	447

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14031 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3468]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Hubbard, Trumbull County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Hubbard, Trumbull County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Hubbard, Trumbull County, Ohio.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Hubbard, Trumbull County, Ohio, are available for review at the Building Inspector's Office, Hubbard, City Building, 33 West Liberty Street, Hubbard, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Hubbard, Trumbull County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mud Run	Confluence with Little Yankee Run.	928
	ConRail	930
	Myron St	936
	North Main St	938
	East Water St	944
	East Liberty St	953
	Confluence with tributary No. 3.	991
	South Main St	1,017
	Upstream corporate limits.	1,026
Little Yankee Run	Dam	923
	ConRail	927
	Confluence with Mud Run.	928

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14045 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3508]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Narrows, Giles County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Narrows, Giles County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Narrows, Giles County, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Narrows, Giles County, Va. are available for review at the lobby of the Narrows Municipal Building, 131 Center Street, Narrows, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Narrows, Giles County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Mill Creek	Monroe St	1,552
	Center St	1,559
	Memorial Blvd	1,593
	Wolf St	1,609
	View St	1,623
	College St	1,642
New River	Corporate limit (4,000 ft) downstream of U.S. 61.	1,548
	State Route 61	1,552
	Corporate limits (5,300 ft) upstream of U.S. 61.	1,557
Wolf Creek	State Route 649	1,552
	Diversion dam	1,552
	State Route 61	1,552
	Upstream corporate limit.	1,559

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13997 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3509]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Clifton Forge, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Clifton Forge, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Clifton Forge, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Clifton Forge, Va. are available for review at the bulletin board in the City Hall, Main Street, Clifton Forge, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Clifton Forge, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community of from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jackson River	Downstream side U.S. Highway 220.	1,049
	Downstream side Chessie System RR.	1,057
	Interstate 64	1,070
Smith Creek	Confluence with Dry Creek.	1,056
	Main St	1,078
	Upstream side Lowell St	1,110
	Eastbound lane I-64	1,148
	Downstream side commercial avenue.	1,161

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14027 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3554]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the County of Goochland, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the county of Goochland, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the county of Goochland, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Goochland, Va., are available for review at the County Courthouse, Route 6, Goochland, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the county of Goochland, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Downstream county limits.	145
	Confluence of Genito Creek.	155
	Confluence of Beaverdam Creek at State Farm Bridge.	163
	U.S. Route 522	171
	Confluence of Big Lickinghole Creek.	176
	Westview Rd. (extended).	192
	State Route 45 (Cartersville Rd.).	207
	Elk Island Bridge	208
	Confluence of Byrd Creek.	208
	State Route 603	210
	Upstream county limits	219

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14030 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3555]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Pawlet, Rutland County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Pawlet, Rutland County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Pawlet, Rutland County, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Pawlet are available for review at the Town Clerk's Office, Town Hall, Pawlet, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Pawlet, Rutland County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mettawee River	450 ft. downstream of Confluence with Bullfrog Hollow Brook.	405
	2,000 ft. upstream of confluence with Bullfrog Hollow Brook.	410
	3,000 ft. downstream from intersection of Routes 30 and Waite Hill Rd.	565
	1,450 ft. upstream from intersection of Routes 30 and Waite Hill Rd.	589
	1,450 ft. downstream of confluence with Flower Brook.	626
	1,100 ft. upstream from School Street Bridge.	641
Flower Brook	At the mouth of Mettawee River.	633
	Just downstream of Stonework Dam.	649
	Just upstream of Stonework Dam.	659
	10 ft. downstream of Timber Dam.	670
	Just upstream of Timber Dam.	684
	1,050 ft. downstream of Route 133 Bridge (westbound crossing).	687
	Just downstream of Route 133 Bridge (westbound crossing).	698
	Just upstream of Route 133 Bridge (westbound crossing).	702
	Just downstream of Route 133 Bridge (eastbound crossing).	713
	Just upstream of Route 133 Bridge (eastbound crossing).	717
Indian River	420 ft. downstream of Railroad Bridge (northern crossing).	511
	Just downstream of Railroad Bridge (northern crossing).	524
	Timber Dam, upstream of Railroad Bridge (northern crossing).	527
	Just downstream of Railroad Bridge (southern crossing).	531
	Just upstream of Railroad Bridge (southern crossing).	534
	540 ft. upstream of Railroad Bridge (southern crossing).	535

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14026 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3591]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Wappinger Falls, Dutchess County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Wappinger Falls, Dutchess County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the village of Wappinger Falls, Dutchess County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Wappinger Falls, Dutchess County, N.Y., are available for review at the Village Hall, Seven Spring Street, Wappinger Falls, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Wappinger Falls, Dutchess County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wappinger Creek..	Corporate limits (downstream).	12
	Bleachery Bridge	18
	East Main St	72
	Corporate limits (upstream).	95
Branch 1, Wappinger Creek.	Entire reach within corporate limits.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14040 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3632]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Lafayette County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Lafayette County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Lafayette County, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Lafayette County, are available for review at Lafayette County Courthouse, Darlington, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Lafayette County, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pecatonica River...	County Trunk Highway N.	787
	Sargent Rd.*	792
	Larse Rd	794
	State Trunk Highway 178*.	801
	Riverside Rd	804
	Walnut Rd.*	809
	Roller Coaster Rd	818
	Ferndale Rd	837
	County Trunk Highway O*.	840
	Oak Park Rd	848
	U.S. Highway 151	863
East branch Pecatonica River.	Cisserville Rd	786
	County Trunk Highway M*.	788
	State Trunk Highway 78*.	817

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blue Mounds Branch.	County Trunk Highway H.	821
Vinegar Branch	County Trunk Highway F.	832
Wood Branch	County Trunk Highway Z.	832
	County Trunk Highway O.	887
Bonner Branch	County Trunk Highway C.	834
	County Trunk Highway O*.	851
	Brunton Lane*	879
	Landon Rd.*	906
	County Trunk Highway G (upstream location near Belmont corporate limits).	1,005
Mineral Point Branch.	County Trunk Highway O*.	845
	East Oak Park Rd.*	860
Galena River	County Trunk Highway H.	861
New Diggings tributary.	Ollie Bell Rd.*	787

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14006 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3659]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Borough of Lawnside, Camden County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Lawnside, Camden County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Lawnside, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Lawnside, are available for review at Lawnside Borough Hall, Warwick Road, Lawnside, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Lawnside, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cooper River	Evesham Road	41
	Melrose Avenue	39
Tributary No. 1	Evesham Road	55

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14036 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3661]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Jackson County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Jackson County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Jackson County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Jackson County, Tex., are available for review at the County Courthouse, 115 West Main, Edna, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Jackson County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lavaca River	At FM 616	16
	At confluence of Dry Creek.	17
	County road (downstream).	25
	County road (upstream).	31
	U.S. Highway 59	41
	Lost Bridge Rd	53
	Robinson Branch Rd	73
	At county boundary	97
Navidad River	Confluence with Lavaca River.	17
	County road (downstream).	18
	State Highway 111	29
	At confluence with Mustang Creek.	36
	U.S. Highway 59	45
	At confluence with Sandy Creek.	46
	At FM 530	58
	Upper Cordele Rd	72
	County road (upstream).	97
	At county boundary	102
Dry Creek	Confluence with Lavaca River.	17
	At FM 1822	27
	Confluence with Post Oak Branch.	52
	Asbeck Lane	58
	Edna City limits (downstream).	60
	Edna City limits (upstream).	64
	At FM 822	68
	State Highway 111	73
Mustang Creek	Confluence with Navidad River.	36
	County road	39
	Confluence with Devers Creek.	49
	State Highway 172	49
	Confluence with Mustang Creek, tributary No. 9.	50
	Olsovski Rd	51
	At FM 1157	53
	U.S. Highway 59	60
	At county boundary	66
Sandy Creek	Confluence with Navidad River.	46
	Confluence with Brushy Creek.	56
	Cordele Rd	60
	Jackson-Wharton County line.	81
Brushy Creek	Confluence with Sandy Creek.	56
	Cordele Rd. (downstream).	81
	Bagby Rd	92
	Cordele Rd. (upstream)	100
	At FM-530 (downstream of county line).	104
	FM-530 (upstream of county line).	135
	At county boundary	141
Post Oak Branch	Confluence with Dry Creek.	52
	State Highway 111	53
	County road (downstream).	56
	State Highway 59	66
	County road (upstream).	70
Devers Creek	Confluence with Mustang Creek.	49
	South Pacific RR	51
	U.S. Highway 59	59
	Cordele Rd	62
	Matus Rd	72
Mustang Creek, tributary No. 9.	Confluence with Mustang Creek.	50
	At FM 1157	62
	U.S. Highway 59	63
Venado Creek	At Venado Lake	16
	Confluence with Venado, tributary No. 11.	28
	County road (downstream).	41
	County road (upstream).	52
Venado Creek, tributary No. 11.	Confluence with Venado Creek.	28
	County road	34
Lavaca River, tributary No. 12.	Confluence with the Lavaca River.	17
	Confluence with the Lavaca River, tributary No. 13.	31
Lavaca River, tributary No. 13.	Confluence with Lavaca River, tributary No. 12.	31
	FM 616	36
Lavaca River, tributary No. 14.	Confluence with Dutch III-B.	31
Cox's Creek	At county boundary	19
	County road (downstream).	37
	FM 616	41
	County road (upstream).	44
	FM 3131	47
Lavaca River, tributary No. 16.	Confluence with Lavaca River.	17
	At Point Comfort and Northern RR.	38
	Walnut St	38
	Stegal St	39
	Robertson St	39
Keller's Creek	At county boundary	17
	FM 616	41
West Caranchua Creek, tributary No. 18.	Confluence with West Caranchua Creek.	17
	Private road	35
West Caranchua Creek, tributary No. 19.	Confluence with West Caranchua Creek.	17
	State Highway 172	41
West Caranchua Creek.	Confluence with East Caranchua Creek.	17
	FM 616	17
	FM 3131	31
	FM 1823	39
	State Highway 111	49
	Confluence with West Caranchua Creek, tributary No. 25.	50
	FM 1683	57
	FM 1157	59
	At country boundary	67
East Caranchua Creek.	Confluence of West Caranchua Creek.	17
	Confluence with East Caranchua Creek, tributary No. 22.	19
	At county boundary (downstream).	21
	At county boundary (upstream).	52
East Caranchua Creek, tributary No. 22.	Confluence with East Caranchua Creek.	19
	FM 616	34
	Missouri Pacific RR	34
	County road	36
Navidad River, tributary No. 23.	Confluence with Navidad River.	27
	FM 1593	40
	Confluence with Navidad River, tributary No. 24.	43
	Private road	52
	State Highway 111	54
Navidad River	Tributary No. 24	43
	Confluence with Navidad River, tributary No. 23.	43
	State Highway 111	54
	County road	55
West Caranchua Creek tributary No. 25		50
	Confluence with West Caranchua Creek.	50
	County road (downstream).	53
	State Highway 172	59
	County road (upstream).	59

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14017 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3664]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Pembroke, Giles County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Pembroke, Giles County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Pembroke, Giles County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Pembroke, Giles County, Va., are available for review at the Town Office, Snidow Street, Pembroke, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Pembroke, Giles County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Doe Creek	Norfolk & Western RR	1,624
	Castile Ave	1,680
	U.S. Route 460 (downstream).	1,706
	Route 1410	1,719
	U.S. Route 460 (upstream).	1,728
	Route 701	1,743
	Corporate limit (upstream).	1,756
Little Stony Creek	Norfolk & Western RR	1,630
	Main St	1,640
	U.S. Route 460	1,653
	Unnamed road	1,718
	Johnson Ave	1,764
	Corporate limit (upstream).	1,797
Mays Hollow	U.S. Route 460	1,695
	Corporate limits (upstream).	1,762
New River	Corporate limit (downstream).	1,629
	State Route 623	1,630
	Corporate limit (upstream).	1,630

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128) and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13999 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3666]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Medford, Taylor County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Medford, Taylor County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Medford, Wisc.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Medford, are available for review at City Hall, 133 West State Street, Medford, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Medford, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	County Trunk Highway O.	1,395
	Perkins St. (upstream side).	1,403
	State Highway 64 bridge	1,407
	Allman Street bridge	1,414

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14008 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3667]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Menomonee Falls, Waukesha County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Menomonee Falls, Waukesha County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Menomonee Falls, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Menomonee Falls, are available for review at Village Office, Menomonee, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Menomonee Falls, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Menomonee River.	West Silver Spring Dr	723
	C. & N. W. Ry	725
	W. Mill Rd.:	
	Downstream side	731
	Upstream side	732
	Lilly Rd	750
	Pilgrim Rd.:	
	Downstream side	762
	Upstream side	763
	Arthur Ave	772
	Main St	816
	Roosevelt Dr	835
	C. M. Street P. P. Ry.:	
	Downstream side	839
	Upstream side	840
	County line road	841
Lilly Creek	Appleton Ave	757
	Good Hope Rd.:	
	Downstream side	760
	Upstream side	767
	Brentwood Dr.:	
	Downstream side	767
	Upstream side	768
	Lilly Rd.:	
	Downstream side	773
	Upstream side	774
	Mill Rd.:	
	Downstream side	774
	Upstream side	776
	Kaul Ave	776
	Bobolink Ave	776
	C. & N. W. Ry	778
	Silver Spring Rd.:	
	Downstream side	778
	Upstream side	780
Nor-X-Way Channel.	Fond DuLac Ave.:	
	Downstream side	753
	Upstream side	754
	Stanley Dr.:	
	Downstream side	755
	Upstream side	756
	Main St	756
	Fountain Blvd.:	
	Downstream side	756
	Upstream side	756
	Warren St.:	
	Downstream side	758
	Upstream side	760
	C. M. Street P. P. Ry	762
	State Highway 145	767
	County line road	768
Butler Ditch	Private bridge (1,425 ft upstream side of confluence of Menomonee River).	731
	Private bridge (845 ft downstream side of Hampton Rd.).	748
	Champton Rd. (downstream).	749
Fox River	River Rd.:	
	Downstream side	831
	Upstream side	832
	Lannon Rd	835
	Mill Rd	838
	Good Hope Rd.:	
	Downstream side	844
	Upstream side	846
	Menomonee Ave.:	
	Downstream side	860
	Upstream side	861
	C. M. Street P. P. Ry	861
	Main St	861
Tributary 1 to Fox River	Lannon Rd	835
	Maclynn Dr.:	
	Downstream side	851
	Upstream side	852
	Silver Meadows Dr	852
	C & N. W. Ry	855
	Mill Road Bridge	855
	Town line road	865
Tributary 2 to Fox River.	Mill Road	838

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary

[FR Doc. 78-14008 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3698]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Avon, Livingston County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Avon, Livingston County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Avon, Livingston County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Avon, Livingston County, N.Y., are available for review at the Avon Town Hall, 70 Genesee Street, Avon, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Avon, Livingston County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation, in feet, national geodetic vertical datum
Genesee River	Upstream corporate limits.	551
	Confluence with Browns Creek.	549
	Fowlerville Rd	545
	Confluence with Christie Creek.	540
	Confluence with Conesus Creek.	540
	Village of Avon corporate limits.	538
	Confluence with White Creek.	537

Source of Flooding	Location	Elevation, in feet, national geodetic vertical datum
	Downstream corporate limits.	537
Conesus Creek	Avon-Genesee Rd. (N.Y.S. 39).	560
	Abandoned RR	559
	Confluence with Little Conesus Creek.	542
	Confluence with Genesee River.	540
Little Conesus Creek.	N.Y.S. 39	555
	66Mill Rd	17552
	Confluence with Conesus Creek.	542

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14037 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3711]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation DeterminationS for the Village of De Forest, Dane County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of De Forest, Dane County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of De Forest, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of De Forest, are available for review at Village Hall, 112 South Stevenson Street, De Forest, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of De Forest, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yahara River	Chicago, Milwaukee, St. Paul & Pacific RR.	934
	North St	934
	Chicago, Milwaukee, St. Paul & Pacific RR (725 ft upstream of Main St. Crossing).	932
	Main St	932
	South Rd. (upstream)	931
	South Rd. (downstream)	926

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14004 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3739]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Granite Quarry, Rowan County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Granite Quarry, Rowan County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Granite Quarry, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Granite Quarry, are available for review at Town Hall, Granite Quarry, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Granite Quarry, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Legion Park Branch.	Peeler St.*	766
	West Bank St.*	782
	Lyerly St.*	794
Kluttz Branch	Peeler St.*	765
Trexler Creek	Brookwood Dr	722
	East Bank St.*	767
	Railroad St.*	811
	Southern Ry	825

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14042 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3741]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of South Lebanon, Warren County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of South Lebanon, Warren County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of South Lebanon, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of South Lebanon, are available for review at Village Hall, 99 High Street, South Lebanon, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of South Lebanon, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Miami River	Main Street bridge	627
Dry Run	Main Street bridge	627
	Pike Street bridge	627

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14047 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3747]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICAL REVIEW

Final Flood Elevation Determination for the Town of Johnston, Providence County, R.I.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Johnston, Providence County, R.I. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the town of Johnston, Providence County, R.I.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Johnston are available for review at the Building Inspector's Office, Town Hall, 1385 Hartford Avenue, Johnston, R.I.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Johnston, Providence County, R.I.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Woonasquatucket River.	250 ft upstream of Dyerville Dam.	59
	Upstream side of Manton Ave.	69
	450 ft downstream of Ronci Industrial Park Dam.	75
	Ronci Industrial Park Dam.	82
	275 ft downstream of Allendale Ave.	83
	200 ft upstream of Allendale Dam.	97
	150 ft upstream of Route 44.	106
	Upstream side of Greystone Dam.	116
Assapumpset Brook.	Confluence with Woonasquatucket River.	82
	Upstream side of abandoned railroad.	85
	80 ft upstream from Cadorna St.	94
	150 ft upstream from Diaz St.	103
	Upstream side of George Waterman Rd.	131
	Upstream side of Sweet Hill Rd.	160
Assapumpset Brook (south branch).	Confluence with Assapumpset Brook.	98
	30 ft upstream of Diaz St.	112
	Downstream side of George Waterman Rd.	126
	Downstream side of private drive (200 ft upstream of George Waterman Rd).	136
	Upstream side of Greenville Ave.	184
Pocasset River	At eastern corporate limit.	76
	70 ft downstream of Plainfield Pike.	81
	Upstream side of Plainfield Pike.	86
	2700 ft upstream of Plainfield Pide.	88
	Upstream side of Morgan Ave.	103
	Upstream side of Wilder Rd.	112
	200 ft upstream of Route 195.	125
	Downstream side of Pocasset Pond Dam.	152
Simmons Brook	Upstream side of Atwood Ave.	97
	Upstream side of Mill St.	133
	1830 ft upstream of Mill St.	165
	Downstream side of Simmons Village Ave.	238
Dry Brook	Confluence with Pocasset Brook.	103
	Upstream side of Atwood Ave.	126
	700 ft upstream of Atwood Ave.	144

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14013 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3750]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Farmville, Prince Edward and Cumberland Counties, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Farmville, Prince Edward and Cumberland Counties, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Farmville, Prince Edward and Cumberland Counties, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Farmville, Prince Edward and Cumberland Counties, Va., are available for review at 116 North Main Street, Farmville, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Farmville, Prince Edward and Cumberland Counties, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Appomattox River	Downstream corporate limit.	310
	Gross Creek	312
	Norfolk & Western RR	312
	U.S. Route 45	313
	Upstream corporate limit.	314
Gross Creek	Second St	312
	East 3d St	312
	Fire house	312
	Buffalo St	312
	Four St	312
	Putney St	316
	Church St. (extended)	317
	Landon St. (extended)	323
Buffalo Creek	U.S. 15 and 460	315
	Little Buffalo Creek	315
Little Buffalo Creek.	State 643	315
	Sanford St. (extended)	315
	South corporate limit	316

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14028 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3774]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Webster Groves, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Webster Groves, St. Louis County, Mo. These base (100-year) flood elevations are

the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Webster Groves, St. Louis County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Webster Groves, St. Louis County, Mo., are available for review at the Office of the Director of Public Works, Engineering Department, No. 4 East Lockwood Avenue, Webster Groves, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Webster Groves, St. Louis County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deer Creek	Approximately 300 ft upstream of Laclede Station Rd.	446
	Just upstream of Brentwood Blvd.	455
	Cornell (extended north of Allison).	456
Shady Grove Creek.	Thornton Ave	459
	Kirkham Ave	464
Shady Grove Creek.	Just upstream of Elm Ave.	480
	Just downstream of Rock Hill Rd.	505
	Approximately 75 ft upstream of South Iola Ave.	527

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14032 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3779]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Wheatland, Monroe County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Wheatland, Monroe County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Wheatland, Monroe County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wheatland, Monroe County, N.Y., are available for review at the Town Hall, 22 Main Street, Scottsville, N.Y. 14546.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Wheatland, Monroe County, N.Y. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Genesee River	Just downstream of Scottsville Henrietta Rd.	530
	Just downstream of Quaker Rd.	532
Oatka Creek	Just downstream of Wheatland Center Rd.	591
	Just upstream of Route 36 and Route 383.	607
Spring Creek Branch 1.	Just downstream of the confluence of Spring Creek branches 3 and 4.	611
Spring Creek Branch 2.	Just upstream of George Street Dam.	627
	Downstream of Dakin St.	630
Spring Creek Branch 3.	Just upstream of George St.	630
Spring Creek Branch 4.	Just upstream of George St.	630
Spring Creek Branch 5.	Just upstream of George St.	630
Spring Creek Branch 6.	Just downstream of southern corporate limits.	635

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14041 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3782]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Cheraw, Chesterfield County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Cheraw, Chesterfield County, S.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Cheraw, Chesterfield County, S.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Cheraw, Chesterfield County, S.C., are available for review at Town Hall, Cheraw, S.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Cheraw, Chesterfield County, S.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pee Dee River	Church St. (extended)	106
Huckleberry branch.	Northwestern corporate limits.	112
Wilson branch	Just downstream of Lakeway Dr.	113
	Approximately 100 ft upstream of West Green St.	132

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14014 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3785]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Kerrville, Kerr County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Kerrville, Kerr County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Kerrville, Kerr County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Kerrville, Kerr County, Tex., are available for review of the City Manager's Office, 832 Main Street, Kerrville, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Kerrville, Kerr County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Guadalupe River	Approximately 100 ft upstream of county road low water crossing.	1,585
	Approximately 200 ft downstream of Sydney Baker St. (U.S. Highway 16).	1,615
Town Creek	Just upstream of State Highway 27.	1,624
	Bluebonnet St. (extended).	1,635
Quinlon Creek	Just upstream of Main St. bridge.	1,623
	Just upstream of Cypress Creek Rd. (farm road 1341).	1,652

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14018 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3786]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Rollingwood, Travis County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Rollingwood, Travis County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Rollingwood, Travis County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Rollingwood, Travis County, Tex., are available for review at City Hall, 403 Nixon Drive, Austin, Tex. 78746.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Rollingwood, Travis County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Creek	Eastern corporate limits	500
	Just upstream of Edge Grove Terrace.	562

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14019 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3789]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Boones Mill, Franklin County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Boones Mill, Franklin County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Boones Mill, Franklin County, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Boones Mill, Franklin County, Va., are available for review at the Boones Mill Town Hall, Boones Mill, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Boones Mill, Franklin County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Maggodee	Virginia Route 684	1,096
	Virginia Route 874	1,101
	Virginia Route 871	1,125
	Town limits of Boones Mill.	1,144

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14026 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3790]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Grottoes, Rockingham County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Grottoes, Rockingham County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Grottoes, Rockingham County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Grottoes, Rockingham County, Va., are available for review at the Grottoes Town Hall, 17 Sixth Street, Grottoes, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Grottoes, Rockingham County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South River	Downsteam limit of study.	1,090
	Route 256	1,094
	Upstream limit of study.	1,102

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13995 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3791]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Powhatan County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Powhatan County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Powhatan County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Powhatan County, Va., are available for review at the Richardson Insurance Building, Powhatan, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Powhatan County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Confluence with Bernards Creek.	145
	Upstream of Route 522	171
	Confluence with Muddy Creek.	198
Fighting Creek	Downstream limit of detailed study.	202
	Upstream of State Route 623.	204
	12,000 ft above confluence with Appomattox River.	221
	Upstream of State Route 718 (extended).	241

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14000 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3850]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Cedar Creek, Cass County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Cedar Creek, Cass County, Nebr. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Cedar Creek, Nebr.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Cedar Creek, are available for review at Village Hall, Cedar Creek, Nebr.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Cedar Creek, Nebr.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cedar Creek	Burlington Northern RR.	1,012
Tributary to Turkey Creek.	do	1,012
	B St	1,019
	Main St	1,022
Turkey Creek	Burlington Northern RR.	1,010
	County road	1,020
Platte River	Corporate limits (downstream).	1,006
	Corporate limits (upstream).	1,014

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14033 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3853]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the town of Perinton, Monroe County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Perinton, Monroe County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Perinton, Monroe County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Perinton, Monroe County, N.Y., are available for review at Perinton Town Hall, Building Inspector's Department, 31 South Main Street, Fairport, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Perinton, Monroe County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Irondequoit Creek	Just downstream of Pittsford Palmyra Rd. (NY 31).	393
	Just downstream of Fairport Rd. (NY 31F).	381
	Just upstream of Linden Ave.	361
Thomas Creek	Just upstream of Turk Hill Rd.	462
	Approximately 100 ft downstream of O'Conner Rd.	424
	Just upstream of Baird Rd.	402

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14039 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3855]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Reidsville, Rockingham County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Reidsville, Rockingham County, N.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Reidsville, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Reidsville, N.C., are available for review at City Hall, Reidsville, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Reidsville, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Troublesome Creek.	South Scales Street*	724
	South Park Dr*	735
	Richardson Dr*	742
Tributary A to Little Troublesome Creek.	Turner Rd*	744
	East Richardson Dr*	753
Tributary B to Little Troublesome Creek.	Jaycees Park Rd*	726
	Cypress Creek*	734
Tributary C to Little Troublesome Creek.	Coach Rd	746
	Morgan St*	752
	Courtland Ave*	754
North fork of Jones Creek.	U.S. Route 29 Bypass*	665
Tributary to north fork of Jones Creek.	At the confluence with north fork of Jones Creek.	673
Wolf Island Creek.	N.C. Route 14	634
	Wentworth Rd*	668
Tributary A to Wolf Island Creek.	Wentworth Rd*	666
	U.S. Route 129 alternate.	692

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14043 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3856]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Burlington, Ward County, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Burlington, Ward County, N. Dak. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Burlington, N. Dak.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Burlington, are available for review at the Auditor's Office, Burlington, N. Dak.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Burlington, N. Dak.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Souris River	County Rd. (downstream side).	1574
	County Rd. (upstream side).	1575
Des Lacs River	Along bank near end of Davis St.	1578

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14044 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3860]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Simpsonville, Greenville County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Simpsonville, Greenville County, S.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the town of Simpsonville, Greenville County, S.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Simpsonville, Greenville County, S.C., are available for review at the City Hall, Simpsonville, S.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Simpsonville, Greenville County, S.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock Creek	Approximately 300 ft upstream of Alder Dr.	747
	Just upstream of Capewood Rd.	764
Rock Creek Tributary.	Approximately 160 ft downstream of U.S. Highway 276.	774
Horsepen Creek	Just upstream of Jonesville Rd.	781
	Just upstream of Forrest Park Dr.	802
Horsepen Creek Tributary.	Approximately 140 ft downstream of Stokes Rd.	820
Big Durbin Creek	Just upstream of Hillpine Dr.	795
Big Durbin Creek Tributary No. 1.	Powderhorn Rd. (extended).	800

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14015 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3862]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Brookfield, Orange County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Brookfield, Orange County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Brookfield, Orange County, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Brookfield, Orange County, Vt., are available for review at the Office of the Town Clerk, Brookfield, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Brookfield, Orange County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Second Branch White River.	Just downstream of town Highway 32.	683
	Just downstream of Town Highway 33.	693
	Approximately 150 ft downstream of Town Highway 15.	722
Sunset Brook	Just upstream of Brookfield State Highway.	1,253
Sunset Lake	Just upstream of Dam	1,279
Ayer's Brook	South corporate limits	754
	Confluence of No Name Brook.	800
No Name Brook	Just upstream of Route 12.	814
	Just upstream of State Aid Highway 4.	1,010
Open Meadow Brook.	Just downstream of town Highway 19.	1,023

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Second Branch White River Bypass.	Approximately 1,300 ft upstream of the corporate limits along Route 14.	673

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14022 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3863]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for The Village of Ludlow, Windsor County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Ludlow, Windsor County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Ludlow, Windsor County, Vt.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Ludlow, are available for review at Town Hall, Depot Street, Ludlow, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard KrimmAssistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Ludlow, Windsor County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	At village of Ludlow, eastern corporate limits.	976
	100 ft downstream of Mill St.	987
	100 ft upstream of Mill St.	989
	100 ft upstream of Route 103 (Main St.	997
	100 ft upstream of Depot St.	1001
	At village of Ludlow, northern corporate limits.	1009

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14023 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3864]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Ludlow, Windsor County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Ludlow, Windsor County, Vt.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Ludlow, Windsor County, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Ludlow are available for review at Town Hall, Depot Street, Ludlow, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Ludlow, Windsor County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	Eastern corporate limits	954
	300 ft downstream of East Hill Rd.	956
	300 ft upstream of East Hill Rd.	961

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	280 ft downstream of Pleasant St.	972
	100 ft upstream of Pleasant St.	975
	At village of Ludlow, eastern corporate limits.	976
	At village of Ludlow, northern corporate limits.	1,009
	100 ft upstream of Fox Run Rd.	1,015
	At confluence with Branch Brook.	1,015
	2,200 ft downstream of Lake Pauline Rd.	1,021
	100 ft downstream of Lake Pauline Rd.	1,040
	100 ft upstream of Lake Pauline Rd.	1,046
	100 ft downstream of Lake Rescue Dam.	1,048
	Just upstream of Lake Rescue.	1,050
Branch Brook	At the confluence with Black River.	1,015
	50 ft upstream of Route 100.	1,031
	100 ft downstream of private Rd.	1,039
	100 ft upstream of private Rd.	1,047
	50 ft downstream of Rod and Gun Club Rd.	1,095
	50 ft upstream of Rod and Gun Club Rd.	1,103

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14024 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3865]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Independent City of Lynchburg, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Independent City of Lynchburg, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Independent City of Lynchburg, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Independent City of Lynchburg, Va., are available for review at the Lynchburg City Hall, Lynchburg, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Independent City of Lynchburg, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Downstream corporate limits.	508
	Norfolk & Western R.R.	522
	U.S. Route 29	526
	Norfolk & Western R.R.	527
	U.S. Route 29 (alternate).	528
	Lynchburg Dam	532
	Southern R.R.	536
	Reusens Dam (downstream).	542
	Reusens Dam (upstream).	567
	Upstream corporate limits.	567
Blackwater Creek	Old Forest Rd	610
	250 ft downstream Lakeside Dr.	615
	Lakeside Dr	642
	Westchester Dr. (extended).	642
	Fercliff Dr. (extended)	644
	Fleetwood Dr. (extended).	647
	Burton Creek Pl. (extended).	656
	Chickasaw Rd. (extended).	657
	Confluence with Burton Creek and Tomahawk Creek.	660
Burton Creek	Confluence with Blackwater Creek.	660
	Confluence with Dreaming Creek.	670
	2,000 ft upstream confluence with Dreaming Creek.	681
	3,000 ft upstream confluence with Dreaming Creek.	690
	Farm Rd. (downstream).	704
	Norfolk & Western R.R.	712
	Va. Route 126 (Fort Ave.).	720
	U.S. Highway 460 (downstream).	722
	U.S. Highway 460 (upstream).	739
	Va. Route 766 (downstream).	740
	Va. Route 766 (upstream).	748
Dreaming Creek	Confluence with Burton Creek.	670
	Va. Route 126 (downstream).	685
	Va. Route 126 (upstream).	690
	Va. Route 291 (downstream).	691
	Va. Route 291 (upstream).	701
	Norfolk & Western R.R. (downstream).	719
	Norfolk & Western R.R. (upstream).	726
	2,000 ft downstream U.S. Route 460.	738
	U.S. Highway 460 (downstream).	754
	U.S. Highway 460 (upstream).	763
	Va. Route 1413 (Windsor Hill Dr.) (downstream).	778
	Va. Route 1413 (Windsor Hill Dr.) (upstream).	783
	Va. Route 1447 (Buckingham Rd.) (downstream).	786
	Va. Route 1447 (Buckingham Rd.) (upstream).	802
	Va. Route 739 (downstream).	826
	Va. Route 739 (upstream).	832
Rock Castle Creek	Confluence with Burton Creek.	722
	2,000 ft upstream confluence with Burton Creek.	731
	W.B.L. U.S. Highway 460 (downstream).	744
	W.B.L. U.S. Highway 460 (upstream).	749
	E.B.L. U.S. Highway 460	750
	U.S. Highway 29 (bypass) (upstream).	757
	U.S. Highway 29 (bypass).	758

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
	Va. Route 368 (downstream).	768
	Va. Route 368 (upstream).	782
	Va. Route 1411 (upstream).	785
	Va. Route 766	806
Tomahawk Creek	Confluence with Blackwater Creek.	660
	Va. Route 674 (downstream).	682
	Va. Route 674 (upstream).	684
	Va. Route 291 (downstream).	685
	Va. Route 291 (upstream).	692
	Va. Route 126 (upstream).	702
	Norfolk & Western R.R. (downstream).	722
	Norfolk & Western R.R. (upstream).	728
	Robin Dr. (upstream)	736
	Corporate limits	776
Ivy Creek	Evergreen Rd. (upstream).	627
	Dandridge Dr. extended.	638
	Va. Route 620 (downstream).	647
	Va. Route 620 (upstream).	650
	Corporate limits	674
Cheese Creek	Confluence with Ivy Creek.	638
	Private Dr. (upstream)	660
	7,400 ft upstream from confluence.	680
	9,000 ft upstream from confluence.	692
	10,000 ft upstream from confluence.	718
	11,000 ft upstream from confluence.	734
	13,000 ft upstream from confluence.	760
	18,000 ft upstream from confluence.	791
	Va. Route 644	827
Judith Creek	Chesapeake & Ohio R.R	568
	5,000 ft upstream from mouth.	597
	8,000 ft upstream from mouth.	622
	Trents Ferry Rd	638
	16,000 ft upstream from mouth.	661
	Corporate limits	685

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13996 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3867]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Occoquan, Prince William County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Occoquan, Prince William County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Occoquan, Prince William County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Occoquan, Prince William County, Va., are available for review at the Occoquan Town Hall, 400 Mill Street, Occoquan, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Occoquan, Prince William County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Occoquan River	Downstream corporate limits.	11
	Upstream corporate limits.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13998 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3868]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Prince Edward County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Prince Edward County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Prince Edward County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Prince Edward County, Va., are available for review at the Prince Edward County Courthouse, 124 North Main, Farmville, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insur-

ance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Prince Edward County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Appomattox River	Farmville corporate limits.	314
	Cumberland County	333
	U.S. 15	339

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14001 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3869]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Stuart, Patrick County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Stuart, Patrick County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Stuart, Patrick County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Stuart, Patrick County, Va., are available for review at the Stuart Town Office, Blue Ridge Street, Stuart, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Stuart, Patrick County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Mayo River	Campbell Branch confluence.	1,180
	J. P. Stevens plant entrance.	1,189
	Va. Route 8	1,195
	Town limits 162,800 ft (above mouth).	1,196
North Fork	Va. Route 681	1,225
	Town limits 5,300 ft (above mouth).	1,246

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14002 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3871]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Westport, Grays Harbor County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Westport, Grays Harbor County, Wash. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Westport, Grays Harbor County, Wash.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Westport, Grays Harbor County, Wash., are available for review at the City Clerk's Office, Westport, Wash.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the city of Westport, Grays Harbor County, Wash.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean	Intersection of Newell Ave. and Surf St.	20
	Harbor St. at Westhaven State Park entrance.	20
	Intersection of Coast St. and 2nd Ave.	19
	Intersection of First St. and Patterson St.	19
Grays Harbor	Intersection of Tacoma Ave. and Fourth St.	13
	East end of Park Ave	13
Tidal Slough, Backwater from Pacific Ocean.	Intersection of Montesano St. and Sprague Ave.	11
	Intersection of Ocean Ave. and Broadway St.	11
	Approximately 400 ft east of the intersection of Highway 105 and Newell Ave.	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14003 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3898]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Wichita Falls, Wichita County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Wichita Falls, Wichita County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Wichita Falls, Wichita County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Wichita Falls, Wichita County, Tex., are available for review at the Planning Department, Wichita Falls, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Wichita Falls, Wichita County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wichita River	Just downstream of Loop II.	950
	Approximately 1,000 ft upstream of Central Freeway.	948
	Just downstream of Eastside Dr.	945
Holliday Creek	Just upstream of downstream bridge.	967
	Just upstream of Southwest Parkway.	958
	Just upstream of Holliday Rd.	950
Holliday Creek tributary A.	Just upstream of south access road to Central Freeway.	984
	Just upstream of Lucas Ave.	959
	Just upstream of Perigo St.	946
Holliday Creek tributary B.	Just downstream of Hatton Rd.	961
	Just upstream of east access road to South Freeway.	955
	Just upstream of California St.	947
Brenda Hursh Channel.	Approximately 100 ft upstream of Norman St.	968
	Approximately 100 ft downstream of Weeks St.	955
McGrath Creek	Just upstream of McNiel Ave.	979
	Just upstream of Kemp Blvd. (northbound).	970
	Just upstream of Weeks Park Lane.	951
McGrath Creek tributary.	Just upstream of Kell Blvd.	996
	Just downstream of Maplewood Ave.	972
Holliday Creek Old Channel.	Approximately 200 ft upstream of Old Lake Rd.	963
Lake Wichita tributary.	Just upstream of Trinidad Dr.	999
East Plum Creek	Approximately 200 ft downstream of Fisher St.	947
Plum Creek	Just downstream of Nunn St.	965
	Just upstream of Wrangler Dr.	975

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14021 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-4143]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of Cherry Hill, Canden County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Cherry Hill, Camden County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Cherry Hill, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Cherry Hill, are available for review at Township Hall, 820 Mercer Street, Cherry Hill, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Cherry Hill, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cooper River	Cuthbert Blvd	13
	Kings Highway*	20
	Patco RR.*	37
	Interstate 295	38
	Evesham Rd	41
North Branch Cooper River.	Park Blvd	17
	Kings Highway*	21
	Brace Rd.*	23
	Covered Bridge Rd.*	25
	Interstate 295*	32
	New Jersey Turnpike*	33
	Evans Lane*	45
	Cropwell Rd.*	54
	Evesham Rd	70
Tindale Run	Haddonfield-Berlin Rd.*	35
	Mansfield Blvd.*	44
Tributary No. 1	Patco RR.*	42
	Burnt Mill Rd.*	44
	Haddonfield-Berlin Rd	52
Tributary No. 2	Patco RR.*	41
	Burnt Mill Rd.*	44
	Dumas Rd.*	49
	Evesham Rd	60
South Branch Pennsauken Creek.	Moorestown Pike	13
	Coopertown Rd.*	17
	New Jersey Route 38*	24
	New Jersey Route 41*	30
	Church Rd.*	33
	Interstate 295*	40
	New Jersey Turnpike*	44
	Green Tree Rd.*	58
	New Jersey Route 70*	79

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14035 Filed 5-26-78; 8:45 am]

[4410-01]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 787-78]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart X—Authorizations With Respect to Personnel and Certain Administrative Matters

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order makes technical changes in the regulations concerning payment of per diem and travel allowances for Department employees. It excludes from the delegations to subordinate Department officials the authority to approve use of first-class air accommodations. Recent changes in GSA Federal Travel Regulations, 43 FR 10442, require that the power to authorize and approve the use of first-class accommodations shall be retained by the agency head or his deputy.

EFFECTIVE DATE: May 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Karas, Office of Management and Finance, Department of Justice, Washington, D.C. 20430, 202-739-2082.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, § 0.142 of Subpart X of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

§ 0.142 [Amended]

1. By substituting "Administrator of General Services" for "Bureau of the Budget" each place where it appears.

2. By deleting in the first paragraph the phrase "are authorized to exercise the power and authority vested in the Attorney General by law to take final action in the following described matters:" and substituting therefore the phrase "are authorized to exercise the authority of the Attorney General to take final action in the following matters, except for the authority to approve use of first-class air accommodations:".

Dated: May 19, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-14847 Filed 5-26-78; 8:45 am]

[3910-01]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

Deletion of Parts

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is withdrawing certain of its rules from the Code of Federal Regulations because of their limited applicability to the general public. Intended effect is to ensure that only rules which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Ms Frankie S. Estep, Air Force Federal Register Liaison Officer, Directorate of Administration, Pentagon, Washington, D.C. 20330, Phone, 202-697-1861.

SUPPLEMENTARY INFORMATION: The Air Force is currently involved in an effort to delete certain of its rules from the Code of Federal Regulations which do not affect a significant portion of the general public. The following rules are directed at individuals in their capacity as employees of the Air Force, not the general public and are therefore deleted from Chapter VII, Title 32 CFR:

(a) Under Subchapter A—Administration: (1) Part 804, Mortuary Affairs; (2) Part 809, Issue and Control of Identification Cards; (3) Part 809b, Dependents' Education; and (4) Part 809c, Elementary and Secondary Education of Dependents in Oversea Areas.

(b) Under Subchapter B—Sales and Services: (1) Part 816, Recreation Activities and Service Program.

(c) Under Subchapter H—Air Force Reserve Officer's Training Corps: (1) Part 872, Air Force Junior Reserve Officers' Training Corps; (2) Part 873, Air Force ROTC Flight Instruction Program (FIP); and (3) Part 874, Air Force ROTC Subsistence Allowance and Rates of Commutation in Lieu of Uniforms.

(d) Under Subchapter I—Military Personnel: (1) Part 881, Appointment in Commissioned Grades: Reserve of the Air Force and United States Air Force (temporary); (2) Part 882, Decorations and Awards; (3) Part 886, Equal Opportunity and Treatment of Military Personnel; and (4) Part 888c, Active Duty Service Commitments.

(e) Under Subchapter K—Military Training and Schools: (1) Part 905, Medical Service Officer Procurement Program for In-Service Training; (2) Part 906, Medical Service Early Commissioning Program; and (3) Part 908, Medical, Dental, and Veterinary Education Program for Air Force Officers.

(f) Under Subchapter O—Special Investigation: (1) Part 955, Conduct of Polygraph Examinations within the Department of the Air Force.

The part numbers affected are designated as Reserved.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison, Directorate of Administration.

[FR Doc. 78-14848 Filed 5-26-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 78-042]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Lake Worth, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the regulations for the Singer Island (State Road A-1-A; Blue Heron Boulevard) drawbridge across the Atlantic Intracoastal Waterway at Riviera Beach, Fla., because the drawbridge has been replaced by a high-level fixed bridge. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

EFFECTIVE DATE: This amendment is effective on June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

DRAFTING INFORMATION: The principal persons involved in drafting this revocation of regulations are Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Stephen H. Barber, Project Attorney, Office of the Chief Counsel.

§ 117.439b [Revoked]

In consideration of the above facts, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking § 117.439b.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

Dated: May 19, 1978.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc. 78-14950 Filed 5-26-78; 8:45 am]

[3710-92]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

[ER 1145-2-305]

PART 209—ADMINISTRATIVE PROCEDURE

Removal of Wrecks and Other Obstructions

AGENCY: United States Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The purpose of this action is to update the present regulation on the removal of wrecks and other obstructions to make it compatible with current organization and policy.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Milton Millard or Donald Letzkus, Telephone 202-693-6995 or write: Office, Chief of Engineers, Forrestal Building, Attention: DAEN-CWO-M, 1000 Independence Avenue NW., Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION: The regulation promulgated in 33 CFR 209.190 governs the removal of wrecks and other obstructions. We are updating this regulation by eliminating the stilted language and redundancies, and by updating references to documents and organizations.

In addition to the minor revisions referred to above, we are making the following significant changes:

(a) Revised paragraph (h) to allow for action to be taken for removal of obstructions under section 19 of the River and Harbor Act of 1899 without prior approval of the Chief of Engineers provided:

(1) The cost of removal will not exceed $100,000 for each incident.

(2) The wreck is a sunken vessel, boat, watercraft, raft or other similar obstruction.

(3) The wreck is an obstruction to general navigation, not merely an obstruction to a private wharf or canal or merely aesthetically displeasing.

(4) All reasonable efforts have first been exhausted to require the owner to remove the wreck himself within a reasonable period. If this effort is not successful, then removal may be undertaken at Federal expense. The District Engineer should, in cases, institute steps to recover from the owners the costs incurred (*Wyandotte Transportation* v. *United States*, 389 U.S. 205 88 S. Ct. 379 [1967]). Further, the owner must be advised that the wreck

will be removed by the United States with the reservation of all rights of the United States to recover from the owner all expenses of removal.

(b) Add paragraph (1) which describes how the costs incurred in the removal of a wreck are to be funded.

(c) Add paragraph (m) calling for the submittal of an annual report by the District Engineers to OCE.

We have determined that notice of proposed rulemaking and public procedures thereto are unnecessary and impracticable as this action is only a clarification without significant change to an existing regulation.

NOTE.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107. 33 U.S.C. 409, 414, 415.

Dated: May 8, 1978.

THOMAS J. WOODALL,
Lieutenant Colonel, Corps of Engineers, Acting Executive Director, Engineer Staff.

Section 209.190 of Chapter II of Title 33 is amended to read as follows:

§ 209.190 Removal of wrecks and other obstructions.

(a) *Laws relative to removal of wrecks and obstructions.*

(1) The laws relating to removal of wrecks are contained in Sections 15, 19 and 20 of the River and Harbor Act approved 3 March 1899 and Section 86 of Title 14, United States Code.

(2) As removal by the United States without formal abandonment involves the taking of private property for public purposes, the provisions of the section of law applicable to the particular case must be followed strictly. Removal by the United States is not usually undertaken if the obstruction simply affects the approaches to private wharves or canals and is not obstructing or endangering navigation.

(b) *Reports on accidents or obstructions affecting navigation.* An accident such as a vessel collision, sinking or grounding, or a bridge failure which occurs in navigable waters of the United States and poses a threat to navigation, shall be reported by the District Engineer to HQDA (DAEN-CWO-M), Washington, D.C. 20314 by teletype within 24 hours. Included in the teletype should be a report on the extent of the danger to navigation and an estimate of the duration of the obstruction. When such an accident results in an obstruction to navigation, it shall be immediately reported by telephone to HQDA, Chief, Operations Branch, DAEN-CWO-M. (Exempt under paragraph 7-2o, AR 335-15.)

(c) *General procedure concerning wrecks and other obstructions.*

(1) The District Engineer should ascertain, at once, whether navigation is obstructed or endangered, and if the obstruction must be removed, he should inform the owner promptly of the provisions of the law.

(2) Vessel owners, masters and others having any knowledge of wrecks or other obstructions should be encouraged to report their location promptly to the District Engineer.

(3) If the owner commences removal, the District Engineer should supervise the operations sufficiently to insure against unreasonable interference with navigation and see that the removal proceeds diligently. If removal by the United States is necessary, the District Engineer must act promptly. If the owner has not marked the obstruction, the District Engineer should request the local Coast Guard District Commander to do so.

(4) The District Engineer should determine if the United States has a mortgage or other interest in the vessel. If such an interest does exist, he should check with the Maritime Administration or other appropriate agency before offering the vessel for public sale.

(d) *Marking of wrecks by owners.* Whenever a vessel, raft, or other craft is wrecked or sunk in a navigable waterway, accidently or otherwise, it is the responsibility of the owner to mark it immediately. A buoy or beacon should be used during the day. A lighted lantern is required at night. These marks must be maintained until the sunken craft is removed or abandoned.

(e) *Abandonment of wrecks by owners or underwriters.*

(1) Every precaution should be taken in cases involving wrecked or sunken vessels to insure that the rights of the United States are not prejudiced by acceptance of abandonment when tendered by owners or underwriters of vessels under 33 U.S.C. 409. Under no circumstances will acceptance of abandonment be indicated. If a letter of abandonment is received, receipt of the letter should be merely acknowledged and a statement included in the reply as follows: "This acknowledgement should in no way be construed as acceptance by the United States of an abandonment of such vessel, nor as waiver of any right to enforce liability for any damage caused by its sinking or cost of removal." When a notice of abandonment has not been received from the owners or underwriters, or ownership cannot be established, the District Engineer may, after the obstruction has existed for over thirty days, establish abandonment by inserting, in a newspaper nearest the locality of the obstruction, a legal advertisement addressed "To Whom It May Concern" requiring the removal of the obstruction (33 U.S.C. 414).

(2) Should an incident occur involving the interrelated rights and liabilities of persons responsible for a sunken or wrecked vessel, a report should be furnished to HQDA (DAEN-CWO-M), Washington, D.C. 20314 for use in coordinating with the Department of Justice.

(3) In the case of the *United States v. Cargo Salvage Corporation,* the United States brought action to obtain legal precedent as to ownership of cargo aboard a wrecked vessel to be removed under 33 U.S.C. 414. The Court held that the interests in cargo are separate and that its abandonment must be independently shown from the abandonment of the hull. In all future cases where the ownership of cargo aboard a wreck to be removed is in doubt, and cannot be otherwise established, the abandonment of the cargo should be established by the insertion of a small advertisement in the county weekly nearest the wreck. Notice of not less than 30 days should be given in addressing the article "To Whom It May Concern."

(f) *Marking of wrecks by Coast Guard.*

(1) Under 14 U.S.C. 86 the cost of continuing the marking of sunken vessel or other obstruction to navigation, after abandonment is established, shall be borne by the Department of Transportation.

(2) The District Engineer will advise the Coast Guard as soon as practicable if he desires an obstruction marked and will also notify the Coast Guard when removal operations have been completed. For regulations of the Coast Guard marking of wrecks, see 33 CFR Part 64.

(g) *Information for Coast Guard.* Whenever the condition of any wreck which has been marked by the Coast Guard changes, due to removal, destruction, changed location caused by storms or shifting channels, or any other reason so that markings are no longer needed, the District Engineer having jurisdiction will notify the District Commander of the Coast Guard at once.

(h) *Removal of obstruction under the provisions of Section 19 of the River and Harbor Act of 1899. (33 U.S.C. 414.)* Action under this section may be undertaken without prior approval of the Chief of Engineers only when the navigation of navigable waters of the United States is obstructed or endangered, and if the obstruction has been in existence over 30 days, or its abandonment by the owner can be legally established in a shorter period. The obstruction can be removed by any method deemed most advantageous provided:

(1) The cost of removal will not exceed $100,000 for each incident.

(2) The wreck is a sunken vessel, boat, watercraft, raft or other similar obstruction.

(3) The wreck is an obstruction to general navigation, not merely an ob-

struction to a private wharf or canal or merely aesthetically displeasing.

(4) All reasonable efforts have first been exhausted to require the owner to remove the wreck himself within a reasonable period. If this effort is not successful, then removal may be undertaken at Federal expense. The District Engineer should institute steps to recover from the owners the costs incurred. (Wyandotte Transportation v. United States, 389 U.S. 205 88 S.Ct. 379 [1967]). Further, the owner must be advised that the wreck will be removed by the United States with the reservation of all rights of the United States to recover from the owner all expenses of removal.

(i) *Removal of obstructions under provisions of Section 20 of the River and Harbor Act of 1899 (33 U.S.C. 415).*

(1) This section provides that action thereunder may be taken by any Agent of the United States to whom the Secretary of the Army "may delegate proper authority." A delegation of such authority was made by the following order issued by the Secretary of War 20 January 1905.

Whenever any vessel, boat, watercraft, or raft sinks, grounds, or is unnecessarily delayed in any canal, lock, or other improvement controlled or owned by the United States, or in any navigable waters of the United States, under circumstances of emergency, the officer in charge of such lock, canal, improvement or district will take charge of such vessel, boat, watercraft, raft, or other obstruction with a view to its immediate removal or destruction, using his best judgment in all cases to prevent any unnecessary injury. Any action taken under the above instructions will be reported forthwith to the Chief of Engineers for the information or action of the Secretary of War.

(2) The above order was amended on 2 November 1917 as follows:

The foregoing order is hereby amended by substituting the word "district engineer" for "officer", with the understanding that the term "district engineer" includes both officers and civilians assigned by competent orders to the charge of a district of the Engineer Department at Large.

(3) The above quoted authority eliminates the necessity for establishing abandonment in emergency cases, but information required by paragraph (k)(2) will be furnished HQDA (DAEN-CWO-M) Washington, D.C. 20314.

(4) Action under this section may be undertaken without prior approval of the Chief of Engineers, subject to the same provisos contained in paragraph (h) above.

(j) *Removal of sunken logs.*

(1) The United States acquires no property rights in sunken logs through the mere fact that they lie in navigable waters. It is permissible for the original owner to trace and reclaim them, but he should do so within a reasonable time, especially if they obstruct navigation. If the owner fails to exercise his rights to reclaim and remove the obstructing logs, they may be removed by the Government as provided in Sections 19 and 20 of the Act approved 3 March 1899. Logs thus removed by the Government may be sold or otherwise disposed of without liability to the original owner.

(2) When persons known to have no ownership therein or legal title thereto apply for permission to remove sunken logs, it may be assumed that the privilege is desired as a matter of gainful speculation. Ordinarily, they should be advised that the Department of the Army can grant them no property rights to the logs, but will not object to their removing them provided removal operations are so conducted as not to injure or interfere with navigation. In cases, however, where the logs form serious obstruction to navigation and the conditions are such that the Department of the Army would be justified in applying the provisions of the aforesaid Federal laws, there would be no legal objection to permitting private applicants to remove them under an agreement providing that they shall become the property of the applicant. Such cases will be presented to the HQDA (DAEN-CWO-M) Washington D.C. 20314 before action is taken thereon.

(k) *Authority.*

(1) For cases meeting the provisos contained in paragraph (h), Division Engineers are authorized to approve the expenditure of funds not to exceed the amount of $100,000 per incident and to redelegate this authority to District Engineers.

(2) For cases that require approval of the Chief of Engineers, requests for authority for removal of wrecks and other obstructions will:

(i) Report the case in sufficient detail to establish the propriety allotting public funds to the work.

(ii) Indicate whether removal is proposed under Section 19 or 20 of the River and Harbor Act approved 3 March 1899.

(iii) Include a map, size 8 by 10½ inches, showing the location of the wreck or obstruction in relation to the principal channels in the vicinity and any Federal improvement that may be affected by it.

(iv) Inclose photographs, if necessary, to show exact condition or important details of the wreck or obstruction.

(v) Indicate proposed method of removal; whether by contract or by Government plant and hired labor.

(vi) State the estimated cost of the removal of the wreck or obstruction, including the Government costs if the work is proposed to be done by contract, and the estimated date that allotment of funds will be required. Request allotment for preliminary expenses to cover cost of preparation of specifications and other preliminary details.

(vii) Inclose copy of letter of abandonment when wreck has been formally abandoned, or provide a copy of the public notice, published 30 days prior to the proposed date of removal.

(3) Requests for approval will be submitted to HQDA (DAEN-CWO-M) Washington D.C. 20314.

(l) *Funds.*

(1) cost for removal of wreck approved by the Division Engineer should be charged to the Revolving Fund and a request for reimbursement funds from O&M General should be submitted immediately to HQDA (DAEN-CWO-M) Washington D.C. 20314. Reimbursement will be dependent upon availability of funds in this office.

(2) Upon completion of the removal of a wreck or other obstruction for which funds have been allotted, any balance remaining will be reported promptly for revocation, citing the date of the allotment.

(m) *Reports (RCS-CONG 1006).* District Engineers will prepare and submit to HQDA (DAEN-CWO-M) Washington, D.C. 20314, through the appropriate Division Engineer the following data by 15 January of each year.

(1) Names of wrecked vessels investigated and removed.

(2) Cost of investigations.

(3) Cost of wreck removals.

The requirement for the tabular report, ENG Form 202e (ER 335-2-5) is hereby rescinded.

[FR Doc. 78-14871 Filed 5-26-78; 8:45 am]

[8320-01]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 2—DELEGATIONS OF AUTHORITY

Department of Memorial Affairs (National Cemetery System)

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: The Administrator of Veterans' Affairs delegates authority to the Chief Memorial Affairs Director to act on matters not requiring the personal attention of the Administrator. The reason is to make specific delegations pertaining to the routine functions required in the day-to-day operations of the Department of Memorial Affairs and the National Cemetery System.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Earl W. Zieg, Veterans Administration, Department of Memorial Affairs (40D), 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-5235.

SUPPLEMENTARY INFORMATION: On page 1631 of the FEDERAL REGISTER of January 11, 1978, there was published a notice of proposed regulatory development to amend § 2.6 relating to delegations of authority. No comments were received. However, since this regulation was published for comment, the Director, National Cemetery System has also been designated as the Chief Memorial Affairs Director due to a reorganization of the Veterans Administration.

The proposed regulation is adopted with change in organizational title and is set forth below.

Approved: May 18, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 2.6, paragraph (f) is added to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a).)

* * * * *

(f) *Department of Memorial Affairs.* The Chief Memorial Affairs Director is delegated authority:

(1) To act on all matters assigned to the Department of Memorial Affairs and the National Cemetery System by statute (38 U.S.C. Chapter 24) and by regulation except where specifically requiring the personal attention or action of the Administrator and to authorize supervisory personnel within the jurisdiction of the Chief Memorial Affairs Director to perform such functions as may be assigned.

(2) To designate, as he deems necessary, Superintendents of National Cemeteries as special investigators under 38 U.S.C. 218(a)(3), however, such law enforcement authority is limited to enforcement of rules and regulations governing conduct on property under the charge and control of the Veterans Administration, as those rules and regulations apply to the cemetery over which the individual Superintendent exercises control and jurisdiction. Such designation will not authorize the carrying of firearms by any Superintendent.

(3) To accept donations of a minor nature, such as, individual trees for planting in burial areas and privately purchased grave markers.

(4) To name features in national cemeteries, such as, roads, walks, and special structures.

(5) To establish policies and specifications for inscriptions on Government headstones, markers, and private monuments.

[FR Doc. 78-14947 Filed 5-26-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 902-3; PP 6E1747/R150]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole. The amendment to the regulations was requested by the California State Department of Food and Agriculture. This rule establishes a maximum permissible level for residues of the fungicide on avocados.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 N Street SW., Washington, D.C. 202-755-2516.

SUPPLEMENTARY INFORMATION: On March 6, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 9165) in response to a pesticide petition (PP 6E1747) submitted to the Agency by the California State Department of Food and Agriculture, Agricultural Chemicals and Feed, 1220 N Street, Sacramento, Calif. 95814. This petition proposed that 40 CFR 180 be amended by the establishment of a tolerance for combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the raw agricultural commodity avocados at 0.15 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before June 29, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on May 30, 1978, Part 180, Subpart C, section 180 is amended by establishing a tolerance for residues of the subject fungicide on avocados at 0.15 ppm as set forth below.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)].)

Dated: May 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, is amended by adding the new § 180.370 to read as follows:

§ 180.370 5-Ethoxy-3-trichloromethyl-1,2,4-thia- diazole; tolerances for residues.

Tolerances are established for combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Avocados	0.15

[FR Doc. 78-14853 Filed 5-26-78; 8:45 am]

[6560-01]

[FRL 902-2, PP 7E2001/R149]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Malathion

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide malathion on birdsfoot trefoil. The amendment to the regulations was requested by the Interregional Research Project No. 4. This rule estab-

lishes a maximum permissible level for residues of malathion on birdsfoot trefoil.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C., 202-755-2516.

SUPPLEMENTARY INFORMATION: On March 6, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 9163) in response to a pesticide petition (PP 7E2001) submitted to the Agency by Dr. C. C. Compton, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of New York. This petition proposed that 40 CFR 180.111 be amended by the establishment of a tolerance for residues of the insecticide malathion (*0,0*-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on the raw agricultural commodity birdsfoot trefoil at 135 parts per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.111 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before June 29, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on May 30, 1978, Part 180, Subpart C, section 180.111 is revised in its entirety by editorially reformatting the section into an alphabetized columnar listing and alphabetically inserting the tolerance of 135 ppm on birdsfoot trefoil as set forth below.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: May 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, section 180.111 is revised in its entirety by editorially reformatting the section into an alphabetized columnar listing and alphabetically inserting the new tolerance of 135 ppm on birdsfoot trefoil, as follows:

§ 180.111 Malathion; tolerances for residues.

Tolerances are established for residues of the insecticide malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on the following raw agricultural commodities:

Commodity	*Parts per million*
Alfalfa (PRE-H)	135
Almond hulls (PRE-H)	50
Almonds (PRE- and POST-H)	8
Apples (PRE-H)	8
Apricots (PRE-H)	8
Asparagus (PRE-H)	8
Avocados (PRE-H)	8
Barley, grain (PRE- and POST-H)	8
Beans (PRE-H)	8
Beets (including tops) (PRE-H)	8
Beets, sugar, roots (PRE-H)	1
Beets, sugar, tops (PRE-H)	8
Birdsfoot trefoil, forage (PRE-H)	135
Birdsfoot trefoil, hay (PRE-H)	135
Blackberries (PRE-H)	8
Blueberries (PRE-H)	8
Boysenberries (PRE-H)	8
Broccoli (PRE-H)	8
Brussels sprouts (PRE-H)	8
Cabbage (PRE-H)	8
Carrots (PRE-H)	8
Cattle, fat (PRE-S)	4
Cattle, mbyp [1] (PRE-S)	4
Cattle, meat [1] (PRE-S)	4
Cauliflower (PRE-H)	8
Celery (PRE-H)	8
Cherries (PRE-H)	8
Chestnuts (PRE-H)	1
Clover (PRE-H)	135
Collards (PRE-H)	8
Corn, forage (PRE-H)	8
Corn, fresh (including sweet K+CWHR) (PRE-H)	2
Corn, grain (POST-H)	8
Cottonseed (PRE-H)	2
Cowpea, forage (PRE-H)	135
Cowpea, hay (PRE-H)	135
Cranberries (PRE-H)	8
Cucumbers (PRE-H)	8
Currants (PRE-H)	8
Dandelions (PRE-H)	8
Dates (PRE-H)	8
Dewberries (PRE-H)	8
Eggplants (PRE-H)	8
Eggs (from application to poultry)	0.1
Endive (escarole) (PRE-H)	8
Figs (PRE-H)	8
Filberts (PRE-H)	1
Garlic (PRE-H)	8
Goats, fat (PRE-S)	4
Goats, mbyp [1] (PRE-S)	4
Goats, meat [1] (PRE-S)	4
Gooseberries (PRE-H)	8
Grapefruit (PRE-H)	8
Grapes (PRE-H)	8
Grass, (PRE-H)	135
Grass, hay (PRE-H)	135
Guavas (PRE-H)	8
Hogs, fat (PRE-S)	4
Hogs, mbyp [1] (PRE-S)	4
Hogs, meat [1] (PRE-S)	4
Hops (PRE-H)	1
Horseradish (PRE-H)	8
Horses, fat (PRE-S)	4
Horses, mbyp [1] (PRE-S)	4
Horses, meat [1] (PRE-S)	4
Kale (PRE-H)	8
Kohlrabi (PRE-H)	8
Kumquats (PRE-H)	8
Leeks (PRE-H)	8
Lemons (PRE-H)	8
Lentils (PRE-H)	8
Lespedeza, hay (PRE-H)	135
Lespedeza, seed (PRE-H)	8
Lespedeza, straw (PRE-H)	135
Lettuce (PRE-H)	8
Limes (PRE-H)	8
Loganberries (PRE-H)	8
Lupine, hay (PRE-H)	135
Lupine, seed (PRE-H)	8
Lupine, straw (PRE-H)	135
Macadamia nuts (PRE-H)	1
Mangos (PRE-H)	8
Melons (PRE-H)	8
Milk, fat (from application to dairy cows)	0.5
Mushrooms (PRE-H)	8
Mustard greens (PRE-H)	8
Nectarines (PRE-H)	8
Oats, grain (PRE- and POST-H)	8
Okra (PRE-H)	8
Onions (including green onions) (PRE-H)	8
Oranges (PRE-H)	8
Papayas (PRE-H)	1
Parsley (PRE-H)	8
Parsnips (PRE-H)	8
Passion fruit (PRE-H)	8
Peaches (PRE-H)	8
Peanut, forage (PRE-H)	135
Peanut, hay (PRE-H)	135
Peanuts (PRE- and POST-H)	8
Pears (PRE-H)	8
Peas (PRE-H)	8
Peavine, hay (PRE-H)	8
Peavines (PRE-H)	8
Pecans (PRE-H)	8
Peppermint (PRE-H)	8
Peppers (PRE-H)	8
Pineapples (PRE-H)	8
Plums (PRE-H)	8
Potatoes (PRE-H)	8
Poultry, fat (PRE-S)	4
Poultry, mbyp [1] (PRE-S)	4
Poultry, meat [1] (PRE-S)	4
Prunes (PRE-H)	8
Pumpkins (PRE-H)	8
Quinces (PRE-H)	8
Radishes (PRE-H)	8
Raspberries (PRE-H)	8
Rice, grain (PRE- and POST-H)	8
Rutabagas (PRE-H)	8
Rye, grain (PRE- and POST-H)	8
Safflower, seed (PRE-H)	0.2
Salsify (including tops) (PRE-H)	8
Shallots (PRE-H)	8
Sheep, fat (PRE-S)	4
Sheep, mbyp [1] (PRE-S)	4
Sheep, meat [1] (PRE-S)	4
Sorghum, forage (PRE-H)	8
Sorghum, grain (PRE- and POST-H)	8
Soybeans (dry and succulent) (PRE-H)	8
Soybeans, forage (PRE-H)	135
Soybeans, hay (PRE-H)	135
Spearmint (PRE-H)	8
Spinach (PRE-H)	8
Squash, summer and winter (PRE-H)	8
Strawberries (PRE-H)	8
Sweet potatoes (PRE-H)	1
Swiss chard (PRE-H)	8
Tangerines (PRE-H)	8
Tomatoes (PRE-H)	8
Turnips (including tops) (PRE-H)	8
Vetch, hay (PRE-H)	135
Vetch, seed (PRE-H)	8
Vetch, straw (PRE-H)	135
Walnuts (PRE-H)	8
Watercress (PRE-H)	8
Wheat, grain (PRE- and POST-H)	8

[1] The tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from cattle, goats, hogs, horses, poultry, or sheep.

[FR Doc. 78-14850 Filed 5-26-78; 8:45 am]

[4510-27]

Title 41—Public Contracts and Property Management

CHAPTER 50—PUBLIC CONTRACTS, DEPARTMENT OF LABOR

PART 50-201—GENERAL REGULATIONS

PART 50-206—THE WALSH-HEALEY PUBLIC CONTRACTS ACT INTERPRETATIONS

Amendments to Regulations

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: These amendments to our regulations codify our interpretations issued under the Walsh-Healey Public Contracts Act, especially our interpretations of "manufacturer," "assembler" and "regular dealer." Experience has demonstrated a need for these clarifying and interpretative amendments.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Alvin Bramow, Deputy Associate Solicitor, Division of General Legal Services, Office of the Solicitor, Room N2464, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, phone 202-523-8293.

SUPPLEMENTARY INFORMATION: On May 20, 1977, the Department published in the FEDERAL REGISTER (42 FR 26022) proposed amendments to the regulations and the codification of interpretations issued under the Walsh-Healey Public Contracts Act relative to the manufacturer and regular dealer requirements of section 1(a) of the Act.

Persons interested in the proposal were afforded the opportunity to submit comments to the Administrator of the Wage and Hour Division.

Statements were received from three members of Congress, the Office of Federal Procurement Policy (OFPP), the Tennessee Valley Authority (TVA), the Law Enforcement Assistance Administration, the Hand Tools Institute, and two private firms.

The comments were carefully reviewed and analyzed in light of statutory intent and precedential decisions in this area. A number of the comments received were of an extremely constructive nature. After careful analysis, it has been decided that their adoption would make the regulations more effective. Those adopted are summarized below.

Several comments which were received questioned the desirability of the proposed requirement that a contract be voided *ab initio* where it is discovered after award that a bidder did not act in good faith in representing that it met the requirements of a manufacturer or regular dealer. Upon reconsideration, proposed sections 50-201.101(a)(3)(i)(B) and 50.206.51(d) are being revised to require only that such contracts be subject to termination rather than to be void *ab initio*.

The concerns expressed to the effect that the proposed regulations relating to the criteria for pre-award investigations were too broad and would result in burdensome and unnecessary surveys were deemed valid. Accordingly, § 50-201.101(b)(5) is revised to provide limitations in those instances when a contracting officer must conduct pre-award investigations of a bidder's Walsh-Healey qualifications.

Sections 50-201.101(b)(5) and 50-206.50(b) are clarified to show that eligibility investigations relate only to a bidder or bidders in line for contract award.

Section 50-201.101(b)(6)(i)(C) and 50-201.101(b)(6)(ii)(A) are revised to reflect the role of the Small Business Administration in eligibility findings involving small businesses pursuant to the enactment of Pub. L. 95-89 (91 Stat. 561) in August 1977 and to clarify that contracting officers' initial determinations of eligibility need be referred to the Department of Labor for a final determination only where an adversely affected bidder protests such initial findings.

Since there were apparent misunderstandings of the language in proposed § 50-201.301, which was misconstrued as requiring all contracting agencies to issue regulations implementing the Public Contract Act, this section has been revised to clarify its application only to situations where an agency itself prescribes regulations for the administration of the Act.

Accordingly Chapter 50 of Title 41 is amended as follows:

1. Section 50-201.101 of Part 50-201 is revised as follows:

§ 50-201.101 Manufacturer or regular dealer.

(a) *Definitions.* A bidder or contractor shall be deemed to be a "manufacturer" or "regular dealer" within the meaning of the stipulation required by section 1(a) of the act and § 50-201.1(a) if he falls within one of the following categories:

(1) A manufacturer is a person who owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

(2) A regular dealer is a person who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business.

(i) A regular dealer in lumber and timber products, if a wholesale lumber dealer, may be a person who owns, operates, or maintains a place of business in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business: *Provided*, That at least more than 50 percent of his business is such purchase and sale of such materials, supplies, articles, or equipment; *And provided further*, That upon all orders to manufacturers for direct shipment to the United States he agrees to insert a notice to the manufacturer to the effect that the supplies are purchased for the United States and that the manufacturer is within the terms of § 50-201.104 requiring compliance with the provisions of the Public Contracts Act.

(ii) A machine tool dealer may be a person possessing, through contract or agreement with a manufacturer, the responsibility for selling that manufacturer's products, with respect to a specific territory and who is authorized by such manufacturer to offer its products and to negotiate and conclude contracts for the furnishing thereof. *Provided*, That upon all orders to manufacturers for direct shipment to the United States he agrees to insert a notice to the manufacturer to the effect that the supplies are purchased for the United States and that the manufacturer is within the terms of § 50-201.104 requiring compliance with the provisions of the Public Contracts Act.

(iii) A regular dealer in hay, grain, feed, or straw may be a person who owns, operates, or maintains a store, warehouse, or other place of business in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles, or equipment.

(iv) A regular dealer in raw cotton may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of

such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles or equipment.

(v) A regular dealer in green coffee may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles or equipment.

(vi) A regular dealer in petroleum may be a person who owns, operates, or maintains petroleum distribution equipment and a store, warehouse, or other place of business in which petroleum products of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such petroleum products.

(vii) A regular dealer in agricultural liming materials may be a person who owns or controls the necessary equipment customarily required for delivering agricultural liming materials to farms or for spreading such materials on fields, who has made arrangements to purchase liming materials of the general character described by the specifications and required under the contract from a manufacturer, and who offers such material for sale to the public in the usual course of business.

(viii) A regular dealer in tea may be an importer who owns, operates, or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business.

(ix) A regular dealer in raw or unmanufactured cotton linters may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles, or equipment of the general character described in the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles, or equipment.

(x) A regular dealer in used automatic data processing equipment may be a person who owns or controls previously owned or used items, materials, supplies, articles, or equipment of the general character described in the specifications and required under the contract and who offers such items for sale to the public in the usual course of business and whose principal business is the purchase and sale of such items, materials, supplies, articles, or equipment.

(3)(i)(A) Except as hereinafter provided, every bid received from any bidder who does not fall within one of the foregoing categories shall be rejected by the contracting officer.

(B) If it is discovered after an award that the bidder did not act in good faith in representing that it was a manufacturer or regular dealer within the meaning of the stipulations as interpreted in this Chapter 50, the contracting officer, immediately upon such discovery, may exercise his/her right to terminate the contract and to make open market purchases or to enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Lack of good faith should be judged on the basis of all facts in the case.

(ii) Whenever justice and the public interest will be served, bids for a contract or class of contracts will be exempted from the foregoing requirement by the Secretary of Labor upon the request of the head of the contracting agency or department when accompanied by his finding of fact that it will be so difficult to obtain satisfactory bids for the contract or class of contracts under the stipulated restrictions, that the conduct of the Government business will be seriously impaired.

(b) *Determination of eligibility.* (1) The responsibility for applying the stated eligibility requirements in order to determine whether or not a bidder is qualified as a manufacturer or regular dealer before award rests in the first instance with the contracting agency pursuant to authority delegated by the Secretary of Labor in accordance with section 4 of the Act. (Circular Letter 8-61.) Contracting agencies shall obtain and consider all available factual evidence essential to eligibility determinations for all bidders in line for award of contracts subject to the Act.

(2) Any decision of the contracting agency is subject to review by the Department of Labor according to the procedures outlined below. The decision of the Department of Labor shall be final with respect to the procurement or procurements at issue.

(3) The Department of Labor shall give great weight to the technical knowledge and expertise of the contracting agencies and the Department of Labor shall uphold the contracting agencies' initial determinations unless the determinations are found to be arbitrary, capricious or otherwise not in accordance with the evidence presented or with the law.

(4) The Department of Labor may determine the qualifications of a bidder in the first instance in the absence of any decision by the contracting agency.

(5) The contracting agency shall investigate and determine the Walsh-Healey eligibility status of a bidder in at least the following circumstances and shall not merely rely on the representation or affirmation of a bidder:

(i) In all cases where the bidder (or bidders) in line for contract award has not previously been awarded a contract subject to the Act by the individual procuring office and/or where a pre-award investigation or survey of such bidder's operations is otherwise made to determine the technical and production capability, plant facilities and equipment, subcontracting and labor resources of such bidder (or bidders).

(ii) In all cases where there is a protest of a bidder's eligibility; and

(iii) In all cases where a contracting officer may have reason to question a bidder's eligibility, such as where the proposed place of contract performance and shipment is other than the location of the bidder's place of business.

(6) The following procedures shall be utilized by the contracting officer in processing an eligibility case:

(i) When the contracting officer has determined that an apparently successful bidder or offeror is ineligible, the contracting officer shall promptly notify the bidder or offeror in writing that:

(A) It does not meet the eligibility requirements, and the specific reason therefor;

(B) If it wishes to protest such determination, it may submit any evidence concerning its eligibility to the contracting officer within a reasonable time as set by the contracting officer; and

(C) (*1*) If, after review of the evidence submitted by the bidder or offeror, the contracting officer does not reverse the decision, the bidder or offeror shall be notified of the contracting officer's determination and the reasons therefor. If the bidder or offeror still disagrees with the finding, the bidder's or offeror's protest, together with all pertinent evidence, will be forwarded to the Administrator of the Wage and Hour Division of the Department of Labor for a final determination, and the bidder or offeror will be so notified.

(*2*) In the case of a small business concern, the protest and all pertinent evidence will be forwarded to the Administrator of the Small Business Administration and the bidder or offeror so notified. The Administrator of the Small Business Administration shall

review the finding of the contracting officer and shall either dismiss it and certify the small business concern to be eligible for the contract award in question, or if it concurs in the finding, forward the matter to the Administrator of the Wage and Hour Division for a final determination, in which case the Small Business Administration may certify the small business concern only if the Wage and Hour Division finds the small business concern to be eligible. The Small Business Administration is bound by the regulations and interpretations of the Department of Labor in making its determinations of eligibility under the Public Contract Act.

(ii) (A) When another bidder or offeror challenges the eligibility of the apparently successful bidder or offeror prior to award, the contracting officer shall promptly notify the protestor and the apparently successful bidder or offer in writing:

(*1*) That they may submit evidence concerning the matter to the contracting officer within a reasonable time as set by the contracting officer; and

(*2*) That after review of such evidence the contracting officer will direct a preaward survey, if necessary, and reach a decision on all the evidence and notify the protestor and successful bidder of his/her finding. If either party disagrees with the finding, the contracting officer shall then forward the decision and entire record to the Administrator of the Wage and Hour Division for a final determination. However, in the case of a small business concern, the protest and all pertinent evidence will be forwarded to the Administrator of the Small Business Administration, and the procedures set forth in § 50-201.101(b)(6)(i)C)(*2*) shall be followed.

(iii) (A) If the contracting officer forwards the case to the Department of Labor for review of eligibility under the Act, award will be held in abeyance until the contracting officer receives a final determination from the Department of Labor, unless the contracting officer finds that award should be made immediately because:

(*1*) The items to be procured are urgently required; or

(*2*) Delay of delivery or performance by failure to make the award promptly will result in substantial hardship to the Government.

(B) If the contracting officer decides to proceed with the award, the contracting officer shall give written notice of the decision to proceed to the protester, the Department of Labor and to other concerned parties.

(iv) If an award is made under paragraph (b)(6)(iii) of this section, the contracting officer shall submit to the Department of Labor documentation explaining the need for making an award prior to the receipt of a final determination from the Administrator of the Wage and Hour Division.

(v) A protest received after award, but before final completion of the contract, shall be investigated and processed under the provisions outlined in paragraph (b)(6)(ii) of this section and forwarded to the Department of Labor, and the protestor shall be so notified.

(vi) If the contract has been completed before receipt of the protest, the protester shall be notified that no action will be taken on the protest.

2. There is hereby added to Part 50-201 a new § 50-201.301 reading as follows:

50-201.301 Agency regulations.

Each agency which prescribe additional regulations for the Administration of the Walsh-Healey Public Contracts Act and for the implementation of the regulations in this part, shall submit such regulations, directives, and orders to the Administrator of the Wage and Hour Division prior to issuance. Any such regulations may not be enforced prior to approval by the Administrator or prior to 60 days after submission if not disapproved by the Administrator. Currently existing regulations are not affected by this section, except where such regulations are not in conformity with the Walsh-Healey Public Contracts Act and the Department of Labor regulations. In such cases, agency regulations shall be appropriately revised.

3. A new Part 50-206 is added to Chapter 50, Title 41, as follows:

Subpart A—General

Sec.
50-206.1 The Walsh-Healey Public Contracts Act.
50-206.2 Administration of the Act.
50-206.3 Purpose and scope of this part.

Subpart B—[Reserved]

Subpart C—Contractors

QUALIFICATION OF CONTRACTOR

50-206.50 To whom covered contracts may be awarded—eligibility.
50-206.51 Manufacturer.
50-206.52 Assembler.
50-206.53 Regular dealer.
50-206.54 Regular dealer in particular products.
50-206.55 Agents.
50-206.56 Administrative exemptions.

AUTHORITY: Sec. 4, 49 Stat. 2038, 41 U.S.C. 38, Secretary of Labor's Order No. 16-75, 40 FR 55913, and Employment Standards Order 2-76, 41 FR 9016.

Subpart A—General

§ 50-206.1 The Walsh-Healey Public Contracts Act.

The Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35-45), hereinafter referred to as the Act, was enacted "to provide conditions for the purchase of supplies and the making of contracts by the United States." It is not an act of general applicability to industry. The Supreme Court has described it as an instruction by the Government to its agents who were selected and granted final authority to fix the terms and conditions under which the Government will permit goods to be sold to it. Its purpose, according to the Supreme Court "was to impose obligations upon those favored with Government business and to obviate the possibility that any part of our tremendous national expenditures would go to forces tending to depress wages and purchasing power and offending fair social standards of employment." ("Perkins v. Lukens Steel Co.," 310 U.S. 113, 128 (1940); "Endicott Johnson Corp. v. Perkins," 317 U.S. 501 (1943).) To this end, the Act requires those who enter into contracts to perform Government work subject to its terms to adhere to specifically prescribed representations and stipulations as set forth in 41 CFR 50-201.1 pertaining to qualifications of contractors, minimum wages, overtime pay, safe and sanitary working conditions of workers employed on the contract, the use of child labor or convict labor on the contract work, and the enforcement of such provisions. Except as otherwise specifically provided, these representations and stipulations are required to be included in every contract "for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000" which is made and entered into by an agency of the United States or other entity as designated in section 1 of the Act, hereinafter referred to as "contracting agency." Contractors performing work subject to the Act thus "enter into competition to obtain Government business on terms of which they are fairly forwarned by inclusion in the contract." ("Endicott Johnson Corp. v. Perkins, supra," 317 U.S. at 507.) The Act also provides for enforcement of the required representations and stipulations by various methods. Certain exemptions from the application of the Act are provided in section 9 of the statute. Other exemptions, variations, and tolerances may be provided under section 6 of the statute by the Secretary of Labor or the President.

§ 50-206.2 Administration of the Act.

(a) The Secretary of Labor is authorized and directed to administer the provisions of the Act, to make investi-

gations, findings, and decisions thereunder, and to make, amend, and rescind rules and regulations with respect to its application (see sections 4 and 5). The Supreme Court has recognized that the Secretary may issue rulings defining the coverage of the Act. ("Endicott Johnson Corp. v. Perkins, supra".) According to the Court (ibid.), in the statute as originally enacted "Congress submitted the administration of the Act to the judgment of the Secretary of Labor, not to the judgment of the courts." An amendment to the Act in 1952 added specific provisions for judicial review (see section 10). The Secretary has promulgated regulations to carry out provisions of the Act, which are set forth elsewhere in this chapter (Part 50-201 (general regulations); Part 50-202 (minimum wage determinations); Part 50-203 (rules of practice); and Part 50-204 (Safety and Health Standards)). The Secretary of Labor has delegated to the Administrator of the Wage and Hour Division through the Assistant Secretary for Employment Standards the authority to promulgate regulations and to issue official rulings and interpretations. So long as such regulations, rulings, and interpretations are not modified, amended, rescinded, or determined by judicial authority to be incorrect, they may be relied upon as provided in section 10 of the Portal-to-Portal Act of 1947 (61 Stat. 84, 29 U.S.C. 251, et seq., discussed in 29 CFR Part 790). Furthermore, these interpretations are intended to indicate the construction of the law which the Department of Labor believes to be correct and which will be followed in the administration of the Act unless and until directed otherwise by Act of Congress or by authoritative rulings of the courts. ("Skidmore v. Swift & Co.", 323 U.S. 134 (1944), "Roland Co. v. Walling", 326 U.S. 657 (1946); "Endicott Johnson Corp. v. Perkins, supra", and "Perkins v. Lukens Steel Co., supra".)

(b) The courts have held that the "interpretations of the Walsh-Healey Act and the regulations adopted thereunder, as made by the Secretary of Labor acting through his Administrator, are both correct and reasonable." ("Jno. McCall Coal Company v. United States," 374 F. 2d 689, 692 (C.A. 4, 1967); see also "United States v. Davison Fuel and Dock Company," 371 F. 2d 705, 711-714 (C.A. 4, 1967).) These policies are designed to protect not only employees but also the competitive interest of all firms qualified to compete for covered contracts.

§ 50-206.3 Purpose and scope of this part.

It is the purpose of this Part 50-206 to make available, in codified form for the guidance of agencies of the United States or other entities designed in section 1 of the Act and persons or firms contracting therewith, official rulings and interpretations with respect to the Walsh-Healey Public Contracts Act. This part constitutes the official statement of the position of the Department of Labor in matters relating to this Act. The interpretative rules herein stated supersede, to the extent of any inconsistency, Rulings and Interpretations No. 3 and all other rulings, interpretations, and enforcement policies not set forth in this chapter. This Part 50-206 illustrates the principles stated herein by showing their application to situations which frequently arise. Since it cannot include every possible situation, no inference should be drawn from the fact that a subject or illustration is omitted. If doubt arises, inquiries should be directed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D.C. 20210, or to any Regional Office of the Wage and Hour Division.

Subpart B—[Reserved]

Subpart C—Contractors

QUALIFICATIONS OF CONTRACTORS

§ 50-206.50 To whom covered contracts may be awarded—eligibility.

(a)(1) Section 1(a) of the Act requires that every contract subject to the Act shall contain a representation and stipulation by the contractor that it is either "the manufacturer of or a regular dealer in" the commodities to be manufactured or used in the performance of the contract. As noted in the following sections, these terms are define by regulation. The legislative history makes it clear that this statutory requirement is intended, among other things, to eliminate the award of contracts to "bid brokers," and to provide labor standards protection for employees who actually engage in the manufacture or furnishing of the goods to the Government, by requiring, among other things, that the Government award contracts only to bona fide manufacturers or regular dealers. A breach of this required stipulation is a violation of the Act; however, a contractor who has been awarded a contract in spite of its failure to qualify as a manufacturer or regular dealer is not relieved of its obligation to comply with the other requirements of the Act and regulations, which are also contract stipulations.

(2) In implementing Section 1(a) of the Act, the Secretary of Labor has defined in 41 CFR 50-201.101 the terms "manufacturer" and "regular dealer" by stating the affirmative requirements that must be met by potential contractors before they may receive Government contracts subject to the Act. Every bid from any bidder who is not a manufacturer or regular dealer, as defined therein and in accordance with this subpart, must be rejected by the contracting officer, See 41 CFR 50-201.101(a)(3)(i).

(3) The provisions of 41 CFR 50-201.1 require that the representations and stipulations prescribed in section 1 of the Act must be included in invitations to bid and in contracts subject to the Act, either in full or by incorporation by reference. Since no qualifications may be placed on the required representations and stipulations, any bid which seeks to avoid full compliance with the Act by any qualification or reservation must be rejected. (See 16 Comp. Gen. 593.)

(b) The responsibility for applying the stated eligibility requirements in order to determine whether or not a bidder is qualified as a manufacturer or regular dealer before award rests in the first instance with the contracting agency pursuant to authority delegated by the Secretary of Labor in accordance with section 4 of the Act (Circular Letter 8-61), as detailed in § 50-201.101(b) of Part 50-201 of this chapter. It is the obligation of the contracting agencies to obtain and consider all factual evidence essential to eligibility determinations for all bidders in line for award of contracts subject to the Act.

§ 50-206.51 Manufacturer.

(a)(1) Section 50-201.101(a)(1) of Regulations 41 CFR Part 50-201, defines a manufacturer as a "person who owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications."

(2) Generally, there should be no question as to a bidder's eligibility. The bidder either has, or has not, the requisite plant, equipment and personnel to produce on its own premises the goods called for under the Government contract.

(b) A bidder who desires to qualify for an award as a manufacturer must show before the award that it is (1) an established manufacturer of the particular good or goods of the general character sought by the Government (i.e., that the bidder has a plant, equipment and personnel to manufacture on its own premises the goods called for under the contract) or (2) if the bidder is "newly entering" into such manufacturing activity that the bidder has made all necessary prior arrangements and definite commitments for (i) manufacturing space, (ii) equipment, and (iii) personnel to perform on its own premises the manufacturing operations required for the fulfillment of the contract. A new firm which, prior to the award of a contract, has made such definite prior arrangements and commitments in order to enter a manufacturing business

which will qualify it should not be barred from receiving the award because it has not yet done any manufacturing, even if such arrangement and commitments are contingent upon the award of a Goverment contract. However, in order to meet the "definite commitment" test for "newly entering" firms, the bidder must have entered into written, legally binding arrangements and commitments prior to, even though contingent upon, award, under which the bidder would acquire for itself plant, equipment and personnel if awarded the Government contract. This would be evidence of a bona fide intent to establish a continuing manufacturing entity and, as such, to become an eligible manufacturer. This requirement is intended to exclude from eligibility bidders who make unsubstantiated assertions that they are eligible and then totally subcontract or broker the contract after award.

(c)(1) In general, such "newly entering" firm must show that the manufacturing activity in question is not one which has been set up solely to produce on a Government contract and whose operations will be terminated upon completion of that contract. In effect, the firm must have established arrangements on a continuing basis for production of the goods desired by the Government.

(2) The documentation required to evidence prior arrangements and definite commitments will vary depending upon the facts and circumstances of the particular case. The contents and bona fides of all documentation and arrangements must be examined to determine if the spirit and intent of the Act and the regulations have been met. The following are examples of what the Department of Labor considers as sufficient evidence of all necessary prior arrangements and definite commitments:

(i) Manufacturing space can be either owned or leased by and in the name of the bidder. A recorded deed to the bidder's property in which the manufacturing is to take place, or a copy of a properly executed bona fide lease agreement clearly identifying the manufacturing space and setting forth the terms and conditions of the lease, would generally be considered evidence of prior arrangements and definite commitments for space. In addition, as noted above, any such lease agreement must be legally binding on the part of both parties to the agreement, the space must be for the exclusive and unrestricted use of the lessee, and the term of the lease must be of sufficient duration so that the bidder will be able to clearly fulfill the contract before the lease expires.

(ii)(A) The bidder must own or have made written, legally binding definite commitments to purchase or lease sufficient equipment to manufacture the goods, materials, or articles required for contract fulfillment. A bidder must have full, complete and unrestricted control of the necessary equipment. A bill of sale or a purchase order may evidence definite commitments for equipment. The general requirements with respect to a bill of sale or purchase order are that it be dated and signed by the bidder, specifically identifying and describing the equipment and the terms of payment for the equipment purchased or to be purchased, and containing the date by which the vendor delivered or is required to deliver the equipment.

(B) The vendor must provide written evidence of acceptance, such as a bill or invoice, acknowledging receipt of the purchase order, as written, and setting forth the terms of payment in accordance with prevailing business practice. Such documentation is normally associated with the consummation of a sale in the usual conduct of business transactions.

(C) Letters of intent for space and equipment or vendor quotations or offers to sell or lease space or equipment, or affidavit that a sale or conveyance has occurred, do not constitute legally binding contractual agreements or definite commitments.

(iii) The best evidence of available personnel is the presence on the payroll of the manufacturing employees necessary to fulfill the contract. However, affirmative evidence which the bidder submits showing what prior arrangements and definite commitments it has made to hire its own manufacturing personnel will be considered.

(d) A bidder's mere representation or affirmation that he is a qualified manufacturer or has fulfilled the above applicable conditions is insufficient. Evidence must be presented to the contracting agency which shows that these conditions are, in fact, met prior to any award of a contract subject to the Act. If it is discovered after an award that the bidder did not act in good faith by actually fulfilling these acquisition requirements, such contract award shall, in accordance with § 50-201.101(a)(3)(i)(A) immediately upon such discovery, be subject to termination by the contracting officer.

(e) The plain language of the Act and regulations makes it clear that covered contracts are to be awarded only to contractors who are currently capable of manufacturing on their premises the goods called for under the contract or who, if newly entering into manufacturing, have made binding commitments before award to enable them to produce such goods as discussed above. Thus, a bidder's arrangements to use, rent, or share the equipment, personnel, or space of another legal entity on a time and material or "as needed" basis do not constitute the making of all necessary prior arrangements or definite commitments. (See "In re Metalcraft Mfg. Sale Corp.", 15 WH Cases 557, 566 (1962).) The Department has consistently held that the availability of the manufacturing and producing establishments of others does not qualify the contractor as a manufacturer as the term is defined herein. See, for example, "In re Electric Ventilating Corp.", 13 WH Cases 220, "In re Dimensional Displays", 12 WH Cases 847, and "In re Paramount Industries, Inc.", 11 WH Cases 721.

(f) Every bidder must qualify in its own right as a manufacturer under the Act. Therefore, all evidence documenting a bidder's eligibility must be in the name of the bidder. Arrangements or proposals for subcontracting, or a bidder's affiliation or relation with another firm, even one having the same officers or ownership, are not definite commitments nor are they evidence of the bidder's own eligibility as a manufacturer, even though such affiliate or subcontractor might be a qualified manufacturer. The fact that one legal entity may qualify as a manufacturer does not confer such status upon another legal entity. (See Decision of the Hearing Examiner, "In re Alden Industries, Inc.," PC-551, March 16, 1954; "In re Alsco Commercial Furniture Co., Inc.," PC-469, July 16, 1952.)

(g) A bidder's eligibility status on a previous Walsh-Healy contract or its performance as a subcontractor on Walsh-Healy contracts are not determinative evidence of the bidder's present eligibility as a manufacturer.

(h) Activities such as engineering, planning, design, inspection, quality control, testing, marking, packaging, and repackaging and shipping may be incidental, ancillary or necessary to manufacturing. Nevertheless, such operations are not, standing alone, or in combination, considered "manufacturing," i.e. fabrication or production. The proposed performance solely of such activities does not qualify a firm as a manufacturer.

§ 50-206.52 Assembler.

(a) As a result of changing technology in the area of manufacturing, the Department has concluded that it is now necessary to provide a fuller discussion of the standards that an assembler must meet to qualify as a manufacturer.

(b)(1) "Assembly" means piecing or bringing together various interdependent or interrelated parts or components so as to make an operable whole or unit. (Decision of the Comptroller General, B-164770, September 3, 1968 (not officially published).) A firm which produces final items on its premises by assembling component parts, all or some of which have been

purchased from others, will generally be considered to be a "manufacturer" where it performs a series of assembly operations utilizing machines, tools and workers which constitute substantial and significant fabrication or production of the desired product. The qualifications of a bidder as a manufacturer who proposes to "assemble" must be decided on the basis of all the facts and circumstances surrounding a particular procurement.

(2) Thus, the determination of whether a bidder proposing to assemble a final product from component parts is an eligible manufacturer must rest on whether the bidder has demonstrated an independent ability, with its plant, equipment and personnel, to perform a significant or substantial portion of the manufacturing operations and efforts required in producing the final product for which the government contracted.

(3) In the alternative, a bidder may also qualify as a manufacturer if it has the facilities to produce on its premises a significant portion of the required component parts needed for the final product even if the bidder will only perform assembly operations under a particular procurement.

(c) Firms which only perform minimal operations upon the item being procured cannot qualify as manufacturers. To allow any such bidder to do so would obviously frustrate the purposes of the Act. As stated in the Decision of the Hearing Examiner "In re Brentwood Radios, Inc.," 12 WH Cases 158, 162 (1954):

> Confident that the Act and Regulations defining a manufacturer contemplate something more than the occasional and isolated performance of such a simple assembly operation on but two Government contract items of a sundry nature, as disclosed by the record in this case, I have concluded that the corporation cannot justifiedly be regarded as bona fide manufacturer, even of such items, qualified to do business with the Government. Except for the negligible amount of time expended by the two officers of the corporation on such assembly operation over seven years of corporate existence, the corporation has at no time engaged in any other assembly or manufacturing operations for the Government and in no civilian production at all.

(See also "Tyco, Inc. v. Hodgson," 67 CCH Labor Cases ¶ 32,652 (E.D. Va., 1971 (not officially published)); and "In re John F. Noble Company," Decision of the Trial Examiner, PC-184, March 29, 1945.) As the court stated in "George v. Mitchell," 282 F.2d 486, 493 (C.A. D.C., 1960), while Congress in enacting the Walsh-Healey Public Contracts Act "may have been concerned for the small businessman capable of sustaining the administrative burdens of bidding for and processing Government contracts, we do not think it intended to protect producers who could not independently perform those minimal contracting functions."

(d) Packaging by itself does not constitute "assembly." For example, a bidder who proposes to supply bottles of aspirin in units of 100 and whose only operations would be the purchase in bulk of the aspirin and the bottles, the transferring of the aspirin from the bulk container to the bottles, and the labeling, wrapping, and shipping of the bottled aspirin, would not qualify as a manufacturer. Furthermore, a bidder proposing to purchase a hose and a clamp and place the clamp on the hose to make a "hose assembly," and then package and ship the item, is not a manufacturer within the intent of the Act. (See also Decision of the Comptroller General, B-164770, September 3, 1968 (not officially published).)

§ 50-206.53 Regular dealer.

(a) A bidder may qualify as a regular dealer under 41 CFR 50-201.101(b) if it owns, operates, or maintains a store, warehouse, or other establishment in which the commodities or goods of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business. The storage of goods in a public warehouse will not in itself satisfy the place of business requirements of this definition unless there is a continuing right (i.e. bona fide written lease agreement) to a specified, identified amount of space in the warehouse. A bidder who desires to qualify for award as a regular dealer must show to the satisfaction of the contracting agency prior to any award that it is engaged in an established, regular business meeting all the criteria of 41 CFR 50-201.101(a)(2). It is not enough in the case of a regular dealer to show only that arrangements have been made to set up such a business; before an award can be made, it is essential that it shows an already established business regularly dealing in the particular goods or goods of the general character offered to the Government.

(b) A bidder must be able to show before award:

(1) That the bidder has an establishment or leased or assigned space in which it regularly maintains a stock of goods in which it claims to be a dealer; if the space is in a public warehouse, it must be maintained on a continuing, and not on a demand, basis;

(2) That the stock maintained is a true inventory from which sales are made; the requirement is not satisfied by a stock of sample or display goods, or by a stock consisting of surplus goods remaining from prior orders, or by stock unrelated to the supplies which are the subject of the bid, or by a stock maintained primarily for the purpose of token compliance with the Act from which few, if any, sales are made;

(3) That the goods stocked are of the same general character as the goods to be supplied under the contract; to be of the same general character, the items to be supplied must be either identical with those in stock or goods for which dealers in the same line of business would be an obvious source;

(4) That sales are made regularly from stock on a recurring basis; they cannot be only occasional and constitute an exception to the usual operations of the business; the proportion of sales from stock that will satisfy the requirements will depend upon the character of the business;

(5) That sales are made regularly in the usual course of business to the public, i.e., to purchasers other than Federal, State, or local Government agencies; this requirement is not satisfied if the contractor merely seeks to sell to the public but has not yet made such sales; if Government agencies are the sole purchasers, the bidder will not qualify as a regular dealer; the number and amount of sales which must be made to the public will necessarily vary with the amount of total sales and the nature of the business; and

(6) That the business is an established and going concern; it is not sufficient to show that arrangements have been made to set up such a business.

(c) With regard to the test in paragraphs (b) (5) and (6) of this section, as stated in the Decision of the Administrator, "In re Herbert Co." (9 WH Cases 561, 562 (1950)): "It is plain that the Act and Regulations intended to bar from receipt of Government contracts those persons whose regular method of operation is to secure contracts and thereafter buy elsewhere the goods necessary to fill the contract. While it was not contemplated by the regulations that every Government contract awarded to a dealer be filled from stock on hand, it was the intention to require that Government contracts should be awarded only to those dealers who maintain a stock of goods of the general character required under the Government contract in question, and who, as a regular course of business dealings, make sales from such stocks. It is not sufficient for a dealer to show that some sales are made from stock, or that sales from stock are not unusual in his business; rather he must show that in the usual course of his business a very substantial amount of his sales are made from stocks on hand" (emphasis added).

(d) Coal dealers are exempted from the regular dealer requirements of the Act on certain express terms and conditions which are set forth in 41 CFR 50-201.604(a). The exemption will be applicable only if these conditions are complied with. If they are not, the

general definition of regular dealers contained in 41 CFR 50-201.101(a)(2) of the regulations would be applicable.

§ 50-206.54 Regular dealer in particular products.

In addition to the exemptions from the requirements of section 1(a) of the Act which have been granted for certain types of contracts as set forth in 41 CFR 50-201.604, special alternate qualifications have been prescribed for hay, grain, feed, or straw; raw cotton; lumber and timber products; machine tools; green coffee, petroleum; agricultural liming materials; tea; raw or unmanufactured cotton linters; certain uranium products and used automated data processing (ADP) equipment in recognition of existing industrial and commercial practices in those industries. These special qualifications may be found in 41 CFR 50-201.101(a)(2) and 41 CFR 50-201.604. Characteristic of these alternative qualifications is the absence of a requirement that the dealer physically maintain a stock.

§ 50-206.55 Agents.

A "manufacturer" or "regular dealer" within the meaning of the Act and regulations may bid, negotiate, and contract through an authorized agent if the agency is disclosed and the agent bids and contracts in the name of the principal. Brokers from whom foreign-made goods consigned directly to the Government are purchased need not qualify as regular dealers under 41 CFR 50-201.101(a)(2) since the contract itself is not subject to the Act.

§ 50-206.56 Administrative exemptions.

Sections 50-201.101(a)(3)(ii) and 50-201.601 of Regulations 41 CFR Part 50-201, provide for the granting of exceptions and exemptions from the application of section 1(a) of the Act upon request by the head of the contracting agency to the Administrator, Wage and Hour Division. Such request should contain all pertinent information enabling the Administrator to determine if such exemption is necessary to avoid the serious impairment of the conduct of Government business. Any such request will be published in the FEDERAL REGISTER as a proposal with time for public comment.

Signed at Washington, D.C., on this 19th day of May 1978.

XAVIER M. VELA,
Administrator,
Wage and Hour Division.

[FR Doc. 78-14841 Filed 5-26-78; 8:45 am]

[3510-03]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Rescission of Vessel Utilization and Performance, Report Filing Requirement

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Maritime Administration is developing an automated procedure which will utilize and refine cargo movement and vessel movement data received from the Census Bureau and will eliminate the need to require operators to file Forms MA-721 and 722, Vessel Utilization and Performance Reports. Accordingly, this regulation is being amended to rescind these reporting requirements, effective May 1, 1978. The agency estimates that this will result in a savings to the maritime industry of approximately 70,000 man-hours annually. The requirement for reporting on Form MA-578A, with respect to cargo containers, has been retained, but with simplified and less stringent requirements, and the caption has been amended to reflect that this is the subject of the section. The amendment of this regulation removes an economic burden now imposed on operators of vessels in waterborne foreign commerce of the United States.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Leslie H. Stokes, Chief, Division of Statistics, Maritime Administration, Washington, D.C. 20230, telephone number 202-377-2201.

Accordingly, 46 CFR 222.2 is amended to read as follows:

§ 222.2 Container/Trailer Report-Foreign Trade.

The operator of a vessel carrying 25 or more 8×8×20 foot containers or trailers or the equivalent thereof in twenty-foot equivalent units (TEU's) in waterborne foreign commerce of the United States shall file Form MA-578A in duplicate with the appropriate District Director of Customs for transmittal to the Maritime Administration before midnight of the 30th calendar day after entry into the first U.S. port, and before midnight of the 30th calendar day after clearing the last U.S. port.

AUTHORITY.—Secs. 204(b) and 212(A), Merchant Marine Act, 1936 amended (46 U.S.C. 1114(b) and 1122(a), Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1967 (75 Stat. 840), amended by Pub. L. 91-469 (84 Stat. 1036) and Department of Commerce Organization Order 10-8 (36 FR 19707, July 23, 1973).

NOTE.—The Maritime Administration has determined that this is not a significant regulation that requires publication in proposed form, with an opportunity for public comment, in accordance with Executive Order 12044 (43 FR 12661, March 24, 1978).

Dated: May 23, 1978.

BY ORDER of the Assistant Secretary for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-14944 Filed 5-26-78; 8:45 am]

[6730-01]

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 29, Amdt. 3]

PART 549—REGULATIONS GOVERNING LEVEL OF MILITARY RATES

Change in Reporting Period

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission (the Commission) is revising its regulations governing level of military rates under the Military Sealift Command (MSC) bid procurement system for obtaining space for ocean transportation on liner vessels. The change permits bidders to utilize cost and statistical data for 12-month periods ending up to nine months prior to the effective date of supplying the transportation service. This change is necessary because MSC changed its bidding periods to conform with the change in the Federal government fiscal year. The intent of this amendment is to permit bidders to utilize data in the same way they are currently using data.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of section

18(b)(5) of the Shipping Act, 1916 (46 U.S.C. 817); the Federal Maritime Commission, hereinafter referred to as the Commission, is directed to disapprove any such rate or charge which it finds to be so unreasonably high or low as to be detrimental to the commerce of the United States. Part 549 (General Order 29) of the Commission's regulations establishes rules and regulations governing the accounting and allocation procedures which are to be utilized by U.S. flag carriers in arriving at military cargo rate quotations. Any carrier receiving an award from the Military Sealift Command (MSC) pursuant to a Request For Proposal (RFP) must certify that the rate meets the minimum rate criterion established by the Order.

General Order 29 requires the historical cost period supporting these bids to be the 12-month period ending with the close of the previous RFP cycle.

The U.S. Government changed its fiscal year from June 30 to September 30 during 1977. In accordance, MSC changed its bid cycles to coincide with the government's new fiscal year close, i.e., September 30 and March 31. The effect of the MSC change is to require carriers to collect data in support of their bids as of March 31 and September 30 in lieu of June 30 and December 31. Currently, all carriers reporting under General Order 29 operate on a calendar year, i.e., December 31. To collect the data required by General Order 29 on a basis other than a calendar year would at the very minimum force a carrier to compile special data for each cycle instead of only for the June 30 accounting period. To eliminate the burden of a carrier maintaining its accounting and statistical system data on a quarterly basis and to reduce the possibility of error involved in piecing together information from two fiscal periods, the Commission is revising its regulations to allow for the continued use by affected carriers of a cost experience period which is compatible with their actual year-end closing.

Therefore, pursuant to sections 18(b)(5) and 43 of the Shipping Act, 1916 (46 U.S.C. 817 and 841a) and 5 U.S.C. 553, § 549.5(a)(1) of Title 46 CFR is amended to read as follows:

§ 549.5 General principles.

(a) *Cost experience period.* (1) For the purposes of this Part, the actual cost experience utilized shall be for a 12-month period ending not more than nine (9) months from the close of the previous RFP Cycle (e.g., for RFP 1400, Second Cycle, Rates, the relevant cost experience would be July 1, 1978 to June 30, 1979).

Notice and opportunity for comments is not necessary due to the fact no additional reguirements are being placed on reporting carriers. Therefore, this amendment shall become effective May 30, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14876 Filed 5-26-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-19 (Sub-No. 33)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods (Reweighing of Shipments)

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission has modified its regulations governing the transportation of household goods to provide that a shipper may demand that a shipment of household goods be reweighed at any time prior to delivery of that shipment. This modification is made to further protect the interests of the shipping public.

DATES: Effective May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg 202-275-7292.

SUPPLEMENTARY INFORMATION: The Commission has modified its regulations governing the reweighing of household goods shipments (49 CFR 1056.6(d)) to provide that a carrier, upon request of the shipper, or its representative, made prior to delivery of the shipment, will reweigh the shipment. This modification will make clear that the shipper has a right to demand a reweigh at any time prior to delivery of the shipment and will ensure that the shipper is given ample opportunity to protect itself against inaccurate weighing and improperly assessed interstate transportation charges.

These rules are issued under the authority of part II of the Interstate Commerce Act and 5 U.S.C. §§ 552, 553, and 559 (the Administrative Procedure Act).

Issued in Washington, D.C., May 16, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

RULE CHANGE: This action modifies the provisions of 49 CFR 1056.6(d) by deleting the first sentence of that section and by substituting for that sentence the following: "The carrier, upon request of the shipper or its representative, made prior to delivery of the shipment, will reweigh the shipment."

INTERSTATE COMMERCE COMMISSION, DECISION

[Ex Parte No. MC-19 (Sub-No. 33)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (REWEIGHING OF SHIPMENTS)

The Commission's regulations governing the reweighing of household goods shipments (49 CFR 1056.6(d)) now provide that a carrier, upon request of the shipper or his representative made prior to the delivery date, must reweigh such shipments. In this proceeding, the Commission proposes to amend the regulations to provide that a request for reweighing may be made at any time before delivery of the shipment. The reweighing regulations under consideration were adopted in Ex Parte No. MC-19 (Sub-No. 8), Practices of Motor Common Carriers of Household Goods, 111 MCC 427 (1970).

ARGUMENT

Three shippers support the proposed modifications. Reynolds Metals Co. and James R. Winston express strong support for the proposal. They believe that it is entirely reasonable to permit reweighing of household goods shipments at any time prior to actual delivery of those shipments. The representative of Air Products and Chemicals, Inc., states that during the 16 years he worked in the household goods industry, he witnessed many errors and omissions by carriers during and after weighing and, as a result, he feels that the Commission should adopt the proposed amendment.

Security Van Lines, Inc., a motor common carrier of household goods, agrees that if the consignee at destination advises the driver delivering the shipment that he or she wants the shipment reweighed, the shipment should and must be reweighed. If the current wording of section 1056.6(d) seems to allow the carrier the opportunity to refuse a reweigh, the language of that section should be corrected. However, Security argues that the proposed revision could create a problem for carriers when the reweigh is requested by the shipper at origin on the day the shipment is to be delivered at destination. It asserts that most drivers call their carriers once a day and it suggests that the carrier might have no way to contact the driver prior to delivery to tell him to reweigh the shipment if the driver has already called in for the day. Security avers that there is no need to amend the reweighing regulations if they have not been abused in their present form.

Aero Mayflower Transit Co., Inc., opposes the proposed modification. It understands that the proposed change would allow the shipper to request a reweigh at the time the driver arrives with the vehicle at the shipper's residence. Mayflower argues that this proposed change is not consistant with the

intent of the Commission in Ex Parte No. MC-19 (Sub-No. 8), supra, since it was not intended to permit a shipper to request a reweigh at the time of delivery. This carrier insists that the proposed amendment would place a financial burden on its owner-operators, because in some cases it would require these owner-operators to travel a substantial distance from the shipper's residence to a scale when a reweigh is requested. This carrier argues that most scales are closed during evening hours and on weekends, notwithstanding the fact that delivery to a shipper may be made at such times. Under the present provisions of Mayflower's tariff, the additional costs cannot be compensated, and if the owner-operator is required to spend the evening or weekend waiting for the scale to open to obtain a reweigh, the cost of doing so must be borne by the owner-operator. Mayflower claims that these operations would affect its ability to recruit and retain owner-operators and that requiring vehicles to be diverted at the last moment prior to delivery in order to perform a reweigh would interfere with the dispatch of those vehicles. It insists that the reweigh charge applicable under certain circumstances [1] would fail to compensate the owner-operator either for additional miles traveled to a scale for a reweigh or for any down time or living costs incurred while waiting for the scale to open to obtain a reweigh.

Movers Round Table, an association of household goods carriers, argues that the language in Ex Parte No. MC 19 (Sub-No. 8) does not support the proposed amendment; that the Commission in that proceeding recognized a need not to interfere unduly with carrier operations and the ability of the carrier to serve other shippers with reasonable dispatch; that no problem has been shown to exist which would warrant the proposed change; that the Commission has not demonstrated that shippers do not have an adequate opportunity to demand reweighing of shipments; and that notice of the proposed amendment does not conform to the Administrative Procedure Act, because that act requires the Commission to show the basis for a proposed change and a "rational connection to evidence showing a need for such change". Movers Round Table insists that if the goal of the proposed amendment is to protect the individual consumer, then shipments for national accounts and for governmental interests should not be covered by the proposed amendment. This organization is also concerned that the carrier might not be able to communicate to the driver that a reweigh has been requested prior to the time that the shipment is delivered. Movers Round Table insists that the reasons for adoption of the proposed amendment should be clearly stated so that shippers who may be inconvenienced by delays resulting from unexpected reweigh demands will know that such action was taken at the behest of the government to protect consumer interests.

[1] Under the provisions of § 1056.6(d), the carrier may publish in its tariff a reasonable charge for reweighing shipments, which shall not be applicable when (1) the reweigh net weight is more than 120 pounds below the billed net weight or (2) the billed net weight exceeds by 25 percent or more the estimated weight shown on the Estimate of Charges for Transportation provided pursuant to section 1056.8 of the household goods transportation regulations.

The American Movers Conference, another association of household goods carriers, believes that the proposed amendment would foster discrimination against those consumers who timely request a reweigh. It argues that substantial labor costs might be incurred if a shipper is permitted to request a reweigh at the time of delivery, because the carrier or its owner-operator may be paying for helpers needed to unload the shipment during the time that the shipment is being reweighed. The conference argues that the proposed amendment may result in reduced productivity, inefficient dispatch of vehicles, and complaints to the Commission as a result of delays to shipments. It points out that Commission regulations now provide a means for the shipper to request a reweigh early in the transportation process. It argues that only in the event that the consumer requests notification of the weight and the carrier does not provide that information should the consumer be provided an opportunity to request a reweigh any time prior to delivery of the shipment. AMC believes that the Commission should strengthen the language of its consumer publications to stress the importance of requesting a reweigh at the earliest possible time, and it argues that a decision in this proceeding would be precipitous in light of the fact that other proceedings are pending which might be affected by this decision.

DISCUSSION AND CONCLUSIONS

We propose to modify § 1056.6(d) of the household goods transportation regulations to permit shippers to demand a reweigh at any time prior to delivery of the shipment. Present § 1056.6(d) appears to permit what we consider to be an unreasonable practice. It would seem to permit carriers to require a shipper to request a reweigh at least one day in advance of delivery or forego the reweighing of that shipment. In order to prevent shippers from being deprived of their right to a reweigh and in order to harmonize the language of the regulation with the intention of the Commission as expressed in Ex Parte No. MC 19 (Sub-No. 8), supra, and Ex Parte No. MC 19 (Sub-No. 14), Practices of Motor Common Carriers of Household Goods (Reweighing of Shipments), 114 MCC 279 (1971), we will adopt the proposed modification.

Questions have been raised regarding the intention of the Commission in adopting the reweighing regulations in Ex Parte No. MC 19 (Sub-No. 8). Our review of the relevant portion of that proceeding, 111 MCC at 474-476, convinces us that the Commission did in fact intend to permit the shipper to request a reweigh at any time prior to delivery. The modification proposed in that proceeding (as described at 111 MCC 474) would have required the carrier to provide a reweigh upon request of the shipper "made prior to delivery of a shipment." In discussing the adoption of proposed § 1056.6(d), the Commission noted that the proposed section would delete the qualifying phrase "and when practicable to do so" from the then applicable regulations, a strong suggestion that the Commission intended to require a reweigh at any time prior to delivery, regardless of the circumstances surrounding that delivery. On the other hand, no specific rationale is given for inclusion of the requirement that a request for reweigh must be made "prior to the delivery date," and we must conclude that use of that particular phrase was inadvertent and erroneous.

The Commission's statement at 111 MCC 475 that "reweighing, with or without the presence of the shipper, must not be allowed to interfere unduly with carrier operations and the ability of the carrier to serve other shippers with reasonable dispatch," does not suggest that the right to a reweigh could be abrogated if such a reweigh were merely somewhat inconvenient for the carrier. The modification proposed in this proceeding is consistent with the Commission's statements in Ex Parte No. MC 19 (Sub-No. 8), supra.

The purpose of this proceeding and of the reweighing regulations is to give the household goods shipper the fullest opportunity to demand and receive a reweigh. This principle applies whether that shipper is an individual householder, a national account shipper (such as Reynolds or Air Products), or a shipper whose goods are moving under a government bill of lading. Each of these shippers is entitled to the protection which reweighing offers, and no purpose would be served by limiting the application of the existing regulations or the proposed modification solely to individual householders.

We recognize that in some instances additional costs might be incurred by the carrier or its employees, agents, or owner-operators when the shipper demands a reweigh. The allocation of these costs between the principal carrier and its agents and employees is a contractual matter to be resolved between the affected parties. The possibility that some of the costs of reweighing might ultimately be borne by carriers or their owner-operators does not convince us that we should diminish the protection which the modified rule would provide for the shipper. The present record lacks sufficient concrete evidence concerning the possible cost increases which might be incurred as a result of the modification of the reweighing regulations. In the absence of such evidence, we cannot say either that existing charges for reweighing services are inadequate or that the financial burdens to be assumed by carriers as a result of the modification outweigh the need for protection of the shipper's right to a reweigh.

Nor do we find persuasive the carriers' arguments that their operating practices might not permit a reweigh to be accomplished prior to delivery. By adopting the proposed modification, we are placing full responsibility for arranging a reweigh directly upon the carriers and their operating personnel. We insist that the shipper be given the right to a reweigh at any time prior to delivery. Given the multitude of differing carrier operating practices, we could not presume to specify in each instance how a reweigh is to be accomplished. We believe that the manner in which shipments are to be reweighed prior to delivery is for the carriers and their agents and employees to determine. If carrier operating practices need revision to permit reweighing upon demand prior to delivery, we expect those practices to be revised. If carriers wish to emphasize to the shipper the right to a reweigh and the most efficient means to accomplish a reweigh prior to delivery, they may do so under the regulations.

This does not appear to be the type of provision of which household goods shippers will take undue or unfair advantage. Given the psychological impact of safe delivery of the shipper's household goods and the possibility that a charge might be imposed for a reweigh, it is unlikely that many shippers would avail themselves of the

reweigh provisions of § 1056.6(d) unless they have had good cause for doing so.

We see no purpose in delaying the adoption of this modification until completion of other pending Commission proceedings. The issue raised in this proceeding is easily separable from the issue raised in Ex Parte No. MC 19 (Sub-No. 23), Practices of Motor Common Carriers of Household Goods (Investigation into Estimating Practices), interim report served April 26, 1968, (not printed, embracing that portion of Ex Parte No. MC 19 (Sub-No. 20) insofar as it relates to uniform household goods transportation documents). Adoption of the proposed modification will not prejudice the rights of parties in Ex Parte No. MC 19 (Sub-No. 23) nor will it conflict with the regulations proposed in that proceeding. Form BOp 103, Summary of Information for Shippers of Household Goods, will be revised to reflect the changes made in this proceeding when general revisions are made to that pamphlet after completion of certain other rulemakings now in progress.

We find: Part 1056 of Chapter X of Title 49 of the Code of Federal Regulations should be amended by modifying section 1056.6(d) as described in the attached notice. This amendment is lawful, and is reasonable and necessary to the effective enforcement of the provisions of part II of the Interstate Commerce Act as amended. This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered: Part 1056 of Chapter X of Title 49 of the Code of Federal Regulations is modified in the manner described in the attached notice.

This order shall become effective May 31, 1978.

Notice of the adoption of the rules set forth in the attached notice shall be given to the general public by depositing a copy of this report in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy of the notice with the Director, Office of the Federal Register. This action is taken under the provisions of part II of the Interstate Commerce Act, as amended, and under the provisions of 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act).

Decided May 16, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14953 Filed 5-26-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-15]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed Revision of REA Specification PE-41 for Improved 500 Type Telephone Sets

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Bulletin 345-74 to announce the revision of REA Specification PE-41 for Improved 500 Type Telephone Sets. This specification was revised to include changes in transmission requirements and to upgrade the requirements covering the physical characteristics of telephone sets. The effect of this action will be to reflect present manufacturing state-of-the-art and to improve the physical performance of telephone sets. On issuance of REA Bulletin 345-74, appendix A to part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than June 29, 1978.

ADDRESS: Persons interested in the revised specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Claude F. Buster, Jr., Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Rural Electification Administration, Room 1347, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3173.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 345-74. A copy of the proposed revision of REA Bulletin 345-74 and the proposed revision of REA Specification PE-41 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

Dated: May 23, 1978.

C. R. BALLARD,
Assistant Administrator, Telephone.

[FR Doc. 78-14945 Filed 5-26-78; 8:45 am]

[3410-15]

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed New REA Specification PE-75 for Flat Oval Telephone Cords

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to issue REA Bulletin 345-80 to announce the issuance of a new REA Specification PE-75 for Flat Oval Telephone Cords. This specification was developed to cover the electrical and physical requirements for telephone line and handset cords for use with the standard telephone sets as described in REA Specification PE-41. The effect of this action will be to standardize telephone line and handset cords and provide for uniform performance characteristics. On issuance of REA Bulletin 345-80, appendix A to part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than June 29, 1978.

ADDRESS: Persons interested in the new specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Warner T. Smith, Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1340, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 345-80. A copy of the proposed new REA Bulletin 345-80 and the proposed new REA Specification PE-75 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

Dated: May 23, 1978.

C. R. BALLARD,
Assistant Administrator, Telephone.

[FR Doc. 78-14946 Filed 5-26-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-CE-13]

TRANSITION AREA, CONCORDIA, KANS.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMRY: This Notice proposes to designate a 700-foot transition area at Concordia, Kans., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Blosser Municipal Airport, Concordia, Kans., which is based on a nondirectional radio beacon (NDB) navigational aid installed on the airport.

DATES: Comments must be received on or before August 5, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 5, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures, and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Concordia, Kans. To enhance airport usage by providing instrument approach capability to the Blosser Municipal Airport, the City of Concordia, Kans., has installed an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Concordia, Kans., at and above 700-feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

CONCORDIA, KANS.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Blosser Municipal Airport (latitude 39°32'55" N, longitude 97°39'05" W); and within 3 miles each side of the 346° bearing from Concordia NDB (latitude 39°33'12" N, longitude 97°39'03" W) extending from the 5 mile radius area to 8 mile radius area to 8 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); §11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 16, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-14892 Filed 5-26-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-8]

TRANSITION AREA, GREAT BEND, KANS.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Great Bend, Kans., to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Great Bend Municipal Airport which is based on a nondirectional radio beacon (NDB) navigational aid, and a localizer installed on the airport.

DATES: Comments must be received on or before August 5, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures, and Aispace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures, and Airspace Branch, Air Traffice Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 5, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures, and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Great Bend, Kan. To enhance airport usage, an additional instrument approach procedure to the Great Bend Municipal Airport has been established utilizing an NDB and a localizer installed on the airport. The establishment of a new instrument approach procedure based on these facilities entails alteration of the transition area at and above 700-feet Above Ground Level (AGL) within which aircraft will be provided additional controlled airspace protection.

Accordingly, the Federal Aviation Administration proposes to amend

Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by altering the following transition area:

GREAT BEND, KANS.

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the Great Bend Municipal Airport (latitude 38°20'40" N, longitude 98°51'43" W); and within 4.5 miles each side of the 303° bearing from the Great Bend Municipal Airport, extending from the 7 mile radius to 18 miles northwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 16, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-14893 Filed 5-26-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-6]

TRANSITION AREA, WICHITA, KANS.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Wichita, Kans., to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Cessna Aircraft Field, Wichita, Kans., utilizing the Wichita, Kans. VORTAC.

DATES: Comments must be received on or before August 5, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Gary W. Tucker, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE538, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 5, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Wichita, Kans. To enhance airport usage, a new instrument approach procedure to the Cessna Aircraft Field, Wichita, Kans., is being established utilizing the Wichita, Kans. VORTAC, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the transition area at Wichita, Kans., at and above 700-feet Above Ground Level (AGL) within which aircraft will be provided additional controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by altering the following transition area:

WICHITA, KANS.

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Wichita, Kansas Mid-Continent Airport (latitude 37°39'09" N, longitude 97°25'47" W) and from 9.5 miles west of the LOC (BC) to Runway 1L extending from 8.5 miles to 15 miles south of the airport to 4.5 miles east of the LOC (FC) to runway 1R to 6.5 miles east of the 176 radial of the Wichita, Kans. VORTAC facility, extending from the 8.5 mile radius to 15 miles south of the airport; within an 8.5 mile radius of the McConnell AFB (latitude 37°37'26" N, longitude 97°15'51" W); and 2 miles each side of the McConnell AFB ILS localizer south course, extending from the 8.5 mile radius to 13 miles south of the AFB within a 5-mile radius of the Comotara Airpark (latitude 37°44'45" N, longitude 97°13'20" W); and within 2 miles each side of the 344° bearing from the Comotara Airpark extending from the 5 mile radius to 6 miles north; within a 5-mile radius of the Augusta, Kans. Airport (latitude 37°40'21" N, longitude 97°04'38" W); and 3 miles each side of the 116° radial of the Wichita, Kans. VORTAC extending from the 8.5 mile radius of the AFB to 14 miles east of the Cessna Aircraft Field Airport (latitude 37°38'55" N, longitude 97°15'01" W).

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); §11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 16, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-14894 Filed 5-26-78; 8:45 am]

[1505-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[PDR-54B; Docket No. 32466; Dated: May 15, 1978]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

EXPEDITED PROCEDURES FOR LICENSING AND RATE CASES

Supplemental Notice of Proposed Rulemaking

Correction

In FEDERAL REGISTER Doc. 78-13720 appearing on page 21690, in the issue of Friday, May 19, 1978, the PDR number and the date were inadvertently omitted from the heading. The

3rd and 4th lines of the heading in small type should read as they appear above.

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[Docket No. 9043]

UNITED BUILDERS, INC., ET AL.

Consent Agreement with Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Charleston, W. Va. home improvement firm to cease misrepresenting or failing to make relevant disclosures regarding prices, interest rates, savings, discounts and financing arrangements. Further, the firm, in connection with the extension of credit, must cease failing to provide consumers with the materials and disclosures required by Federal Reserve System regulations. The company would additionally be required to establish a $35,000 escrow account for making restitution to entitled customers, and to effectuate such restitution in a manner prescribed in the agreement.

DATE: Comments must be received on or before July 24, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Director, Cleveland Regional Office, Federal Trade Commission, Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 44114, 216-522-4207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25 of the Commission's Rules of Practice (16 CFR 3.25), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

DOCKET NO. 9043—AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the Matter of United Builders, Inc., a corporation, and Marvin Bloom, and Paul Denillo, individually and as officers of said corporation.

The Agreement herein by and between United Builders, Inc., a corporation, by its duly authorized officers, and Marvin Bloom and Paul Denillo, individually and as officers of said corporation, respondents in a proceeding initiated by the Federal Trade Commission and their attorneys, and Counsel Supporting the Complaint, is entered into in accordance with Sections 2.32 and 3.25 of the Commission's Rules of Practice and Procedure.

1. Respondent United Builders, Inc. is a corporation organized, existing, and doing business under and by virtue of the Laws of the State of West Virginia, with its former office and principal place of business located at 418 West Washington Street, in the city of Charleston, State of West Virginia.

Respondents Marvin Blooom and Paul Denillo are officers of said corporation. They formulate, direct, and control the policies, acts, and practices, of said corporation, and their addresses are the same as that of said corporation.

2. Respondents have been served with a copy of the Commission's Complaint in the above-captioned matter charging them with violation of the Federal Trade Commission Act, and the Truth in Lending Act, and the implementing regulations promulgated thereunder, together with a form of order that the Commission would have issued if the facts were found as alleged in the complaint.

3. Respondents admit all the jurisdictional facts set forth in the said copy of the complaint.

4. Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; provided, however, that respondents, without admitting the findings of fact and conclusions of law contained in this Agreement waive any right to contest in administrative proceedings the findings and conclusions contained in this Agreement should the Commission make said findings and conclusions and include them in its decision; provided further, that in the event the Commission makes such findings and conclusions, then the decision shall also expressly provide that, in any action which may be brought under Section 19(a)(2) of the Federal Trade Commission Act, as amended, the said findings and conclusions shall not be deemed conclusive within the meaning of Section 19(c)(1)(B)(i) of the Federal Trade Commission Act, as amended.

(c) All rights to seek judicial review or otherwise to settle or contest the validity of the order entered pursuant to this agreement: and

(d) Any claim that the signing of this agreement and the Commission's decision and order pursuant thereto bar any action under Section 19 of the Federal Trade Commission Act, as amended, or that the Commission's decision containing the findings and conclusions set out in this Agreement constitute an inadequate basis for an action under Section 19 of the Federal Trade Commission Act, as amended.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the complaint, will be placed upon the public record for a period of sixty (60) days and information in respect thereto publicly released. Thereafter, the Commission may withdraw its acceptance of the agreement and so notify the other party, in which event it will return the matter to adjudication for further proceedings or take such other action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding. The Commission may, at any time before final acceptance of this order, require hearings on the relief requirements provided by this order.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the said copy of the complaint the Commission has issued. The stipulated facts and conclusions of law contained herein are made solely for the purposes of settlement and compromise of this matter, and shall not be admissible in any other administrative or judicial proceeding or proceedings of any kind other than proceedings arising out of compliance with this order.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34(b) of the Commission's Rules, the Commission may, without further notice to respondents, (1) enter the following findings of fact and conclusions of law, and its decision containing the following order to cease and desist in disposition of the proceedings, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect, and may be altered, modified or set aside in the same manner and within the same time as provided by statute for other orders. The order shall become final upon service. The complaint, findings of fact, and conclusions of law may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement or in the complaint, findings of fact and conclusions of law may be used to vary or contradict the terms of the order.

8. Respondents have read this agreement, stipulations of fact, conclusions of law, and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

STIPULATIONS OF FACT

1. United Builders, Inc. (hereinafter, United) by its agents or employees, entered into transactions with various customers for the purchase of home improvements.

2. Stipulations 3 through 29 relate to purchases of respondents' home improvements

financed by the Kanawha Valley Bank of Charleston, W.Va., for the period October 1, 1972 to August 31, 1974, inclusive.

3. In those instances in which the transaction was financed by the Kanawha Valley Bank, during the negotiations between the customer and United for the purchase of home improvements it was agreed by the customer and United that United would attempt to secure financing for the transaction through the Kanawha Valley Bank.

4. Financial information was obtained in many cases by a salesman of United from the customer at the time the customer signed a contract with United Builders, Inc. This financial information included information regarding outstanding debts, employment, income, and ownership of the real property to be improved.

5. Prior to the time the customer signed the contract with United, the salesman in many cases informed the customer of one or more specific finance terms, including the period of repayment, the amount financed, the amount of monthly payment, and the interest rate.

6. At the conclusion of the above negotiations between the customer and the salesman of United, a contract for the purchase of home improvements was executed by and between the customer and United.

7. This contract did not contain any disclosure of consumer credit information, including the period of repayment, the amount of monthly payment, the annual percentage rate, or the finance charge, nor was a "Notice to the Customer" as set forth in section 226.9(b) of Regulation Z (hereinafter, "Notice to the Customer"), provided to or left with the customer.

8. In some instances, after execution of the contract, United obtained and paid for building permits and descriptions of property.

9. Respondent's usual practice was to have their salesmen transmit the customer's financial information to United's office personnel, who, in turn, forwarded this finance information, including the amount financed and the number of payments, to an employee of the Installment Loan Department of the Kanawha Valley Bank.

10. In each such transaction, the amount of the finance charge, amount of each monthly payment, deferred payment price, and annual percentage rate were determined by the salesman for United in accordance with instructions and charts provided by the Kanawah Valley Bank.

11. Kanawha Valley Bank approved or disapproved the financing of the transaction, and so notified United's office personnel.

12. After execution of the contract by and between the customer and United, and after approval of financing of the transaction by Kanawha Valley Bank, United contracted for the performance of its obligations with various sub-contractors.

13. These sub-contractors, in fact, performed the obligations of United under the contract, and they were paid therefor by United.

14. After the sub-contractor commenced performance under the contract, United, in some instances, advised the Kanawha Valley Bank to transmit to the customer such other documents as were necessary to complete the financing arrangement, if the Kanawha Valley Bank had not yet done so.

15. Kanawha Valley Bank personnel then mailed to the customer a document entitled Installment Note and Disclosure, together with a form letter instructing the customer to sign the original document, to return it to Kanawha Valley Bank, and to retain the duplicate copy.

16. Upon completion of United's obligations under the contract, the customer executed a "Property Improvement Completion Certificate," (hereinafter, "Completion Certificate") which he gave to United, or its sub-contractor or other agent or employee.

17. The Installment Note and Disclosure contained the consumer credit cost disclosures pertaining to the financing of the transaction.

18. The Kanawha Valley Bank did not transmit to the customer the "Notice to the Customer" in conjunction with the furnishing of disclosures.

19. United transmitted the executed "Completion Certificate" to Kanawha Valley Bank.

20. Upon receipt of an executed Installment Note and Disclosure from the customer and receipt of an executed "Completion Certificate" from United, Kanawha Valley Bank deposited the amount financed directly to the account of United.

21. In certain instances, the customer and the salesman from United agreed to consolidate certain existing debts of the customer as part of the transaction.

22. When the customer agreed to a debt consolidation, United caused disbursement of funds to the customer to discharge the customer's obligations which were consolidated with the cost of the home improvement.

23. In some instances, Kanawha Valley Bank required a deed of trust to secure the financing for the home improvement.

24. In such instances, Kanawha Valley Bank personnel notified United of this requirement.

25. In such instances, the Kanawha Valley Bank supplied United with a completed deed of trust, a completed real estate disclosure, a completed installment note, and a "Notice to the Customer."

26. United, its agent or employee, in turn, presented the deed of trust, installment note, real estate disclosure, and "Notice to the Customer" and obtained the customer's signature on each document.

27. Upon the execution of the deed of trust by the customer, his signature was acknowledged by a notary public, who in many instances was an agent or employee of United.

28. Executed deeds of trust, real estate disclosures, installment notes, and signed copies of the "Notice to the Customer" were delivered to Kanawha Valley Bank by United.

29. In such instances, upon receipt of the executed "Completion Certificate," deed of trust, real estate disclosure, installment note, and signed copy of the "Notice to the Customer," the Kanawha Valley Bank deposited the amount financed directly to the account of United.

30. At all times material hereto, United and the Kanawha Valley Bank were engaged in a regular course of dealing as herein set forth with regard to the financing of home improvement transactions.

31. The Kanawha Valley Bank instructed United with regard to the handling of financing of home improvement transactions, and United followed this instruction.

32. Stipulations 32 through 40 relate to transactions financed by the Kanawha Valley Bank for the period September 1, 1974, to October 1, 1975, inclusive.

33. On or about September 1, 1974, as a result of a change in West Virginia consumer protection laws, United entered into a written agreement with the Kanawha Valley Bank for the financing of home improvement transactions.

34. Pursuant to the written agreement between United and the Kanawha Valley Bank, United included consumer credit disclosure information in its contract.

35. United's salesman or agent or employee left copies of the Contract and Disclosure Statement and "Notice to the Customer" with the customer.

36. United negotiated the note to Kanawha Valley Bank and delivered to Kanawha Valley Bank the Contract and Disclosure Statement, the "Notice to the Customer," and the executed "Completion Certificate."

37. In some instances, Kanawha Valley Bank required a deed of trust to secure financing for the home improvement.

38. In such instances, United obtained a deed of trust from the customer and assigned the deed of trust to the Kanawha Valley Bank.

39. Except for the changes enumerated in Stipulations 32 through 38, the procedure used to finance United home improvements transactions with Kanawha Valley Bank was identical to the facts enumerated in Stipulations 3 through 30.

40. In some instances, United may not have followed this procedure.

41. In certain instances, after United attempted financing sales of home improvements through the Kanawha Valley Bank, but was not able to obtain this financing, United then sought to obtain financing through Charleston National Bank or advised the customer to seek financing elsewhere.

42. Stipulations 43 through 63 relate only to purchases of United's home improvements, financed by the Charleston National Bank of Charleston, W. Va., as described in Stipulation 41, from July 1, 1973, to October 1, 1975, inclusive.

43. In many instances, financial information was obtained by a saleman of United from the customer at time the customer signed a contract with United. This financial information included information regarding outstanding debts, employment, income, and ownership of the real property to be improved.

44. Prior to the time the customer signed the contract with United, the salesman informed the customer of one or more specific finance terms, including the period of repayment, the amount financed, the amount of monthly payment, and the interest rate.

45. A contract for the purchase of home improvements was executed by and between the customer and United.

46. In certain instances, this contract did not contain any disclosure of consumer credit information, including the period of repayment, the amount of monthly payment, the annual percentage rate, or the finance charge, nor was a "Notice to the Customer" as set forth in § 26.9(b) of Regulation Z (hereinafter "Notice to the Customer") provided to or left with the customer.

47. In some instances, after execution of the contract, United obtained and paid for building permits.

48. United's usual practice was to have its salemen transmit the customer's financial information to United's office personnel, who, in turn, forwarded this financial information, as well as the amount financed and the number of payments to an employee of the Installment Loan Department of the Charleston National Bank.

49. In each transaction, the amount of finance charge, amount of each monthly payment, deferred payment price and annual percentage rate were determined by an employee of United from instructions and charts provided by the Charleston National Bank.

50. Charleston National Bank approved or disapproved the financing of the transaction, and so notified United's office personnel.

51. After approval of financing of the transaction by Charleston National Bank, and after execution of the contract by and between the customer and United, United contracted for the performance of its obligations with various sub-contractors.

52. These sub-contractors, in fact, performed the obligations of United under the contract, and were paid therefor by United.

53. Charleston National Bank's financing procedures required United to furnish the bank with a note payable to United, a Contract and Disclosure Statement, and a "Notice to the Customer," each signed by the customer.

54. Charleston National Bank's procedures also required that the aforementioned documents be completed on forms provided or approved by Charleston National Bank.

55. United's agent or employee, who in most instances was not the original salesman, returned to the customer's home to complete and obtain the customer's signature on the above required documents.

56. In some instances work on the property had already commenced at the time of this second visit.

57. At this second visit, United's agent or employee obtained the customers' signatures on the note, Contract and Disclosure Statement, and the "Notice to the Customer." In some instances, United's agent or employee dated these documents with the date that the customer executed the contract with the salesman for the purpose of home improvements, even though this second visit occurred at a later date.

58. United's agent or employee left copies of these documents with the customer.

59. Upon completion of United's obligation under the contract, the customer executed a "Property-Improvement Completion Certificate" (hereinafter "Completion Certificate") which he gave to United, its sub-contractor, agent or employee.

60. Respondents negotiated the note to Charleston National Bank and delivered to Charleston National Bank the Contract and Disclosure Statement, the "Notice to the Customer," and the "Completion Certificate."

61. after the Charleston National Bank received these documents, it deposited the amount financed directly to the account of United.

62. At all times material hereto, Charleston National Bank did not require a deed of trust as security for any aforementioned extension of credit, nor did it take nor file any such deed of trust.

63. At all times material hereto, United and the Charleston National Bank were engaged in a regular course of dealing with regard to the financing of home improvement transactions, as herein set forth.

Conclusions of Law

1. United Builders, Inc. arranged for the extension of credit within the meaning of § 226.2(h) of Regulation Z, the implementing regulation promulated under the Truth In Lending Act.

2. The credit extended by Charleston National Bank and the Kanawha Valley Bank in each transaction described in the above Stipulations of Fact is consumer credit as defined by § 226.2(P) of Regulation Z.

3. Each transaction described in the above Stipulations of Fact constituted a single consumer credit transaction from the bank to the customer through the instrumentality of United Builders, Inc.

4. Each of the consumer credit transactions described in the above Stipulations of Fact is a transaction which gave rise to a right of rescission as set forth in § 226.9 of Regulation Z.

Order

I

It is Ordered, That respondents United Builders, Inc., a corporation, its successors and assigns, and its officers, and Marvin Bloom and Paul Denillo, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, distribution, or installation of aluminum siding, storm windows, storm doors, or any other products, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, orally or in writing, or by any other means, that any price for respondents' products and/or services is a special or reduced price, unless such price constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such products and/or services were sold or offered for sale to the public on a regular basis by respondents in the recent, regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

(2) Representing, directly or by implication, orally or in writing, or by any other means, that the home of any of respondents' customers or prospective customers has been specially selected as a model home to be used, or will be used, as a model home, or otherwise, for advertising, demonstration, or sales purposes, or that such customers will thereby be granted any allowance, discount, or commission; provided, however, that nothing in this order shall prohibit respondents from representing, after a contract has been executed between respondents and a purchaser of respondents' products or services, that purchasers or prospective purchasers can earn future compensation by providing the names of prospective purchasers to respondents' personnel connected with the sale of respondents' products or services.

(3) Representing, directly or by implication, orally or in writing, or by any other means, that the purchaser will pay any interest rate other than that which the purchaser will actually pay; provided, however, that nothing in this order shall prohibit respondents from stating the lending institution's prevailing rate of finance charge expressed as an annual percentage rate, as "annual percentage rate" is defined in § 226.2(g) of Regulation Z.

(4) Failing to disclose, clearly and conspicuously, that purchasers will have liens placed against their property, when such is the case.

(5) Representing, directly or by implication, orally or in writing, or by any other means, that respondents own, or have any ownership in, any bank, finance company, or any other lending institution.

(6) Using any liquidated damages clause in their contract form.

(7) Failing, for a period of ten years after the effective date of this order, to maintain adequate records:

(a) For a continuing period of three (3) years from the date of transaction which disclose the factual basis for any representations or statements as to special or reduced prices, as to usual and customary retail prices, as to savings afforded to purchasers, and as to similar representations of the type described in Paragraphs Five (1) and (2) of the complaint.

(b) For a continuing period of three (3) years from the date of transaction with regard to each and every contract hereafter entered into between respondents and their customers, which disclose the amount each customer was charged, exclusive of interest or finance charges, for material and labor; and for those contracts involving siding or the installation of siding, or both, the total amount of siding materials and other materials installed or delivered to the customer, the type and grade of said siding and other materials, a description of the installation performed, and the total amount of money paid to salesmen, agents, or representatives for the solicitation of said contracts.

The information prescribed in sub-paragraph (7) need not be aggregated onto separate documents. Respondents' retention of records of the type prescribed in sub-paragraph (7) shall be deemed prima facie evidence of compliance with sub-paragraph (7).

(8) Failing to maintain for a continuing period of three (3) years from the date of transaction, all invoices, notices for payment, and all similar documents which respondents receive in the regular course of their business from suppliers, subcontractors, and other persons, and, for a continuing period of three (3) years from the date of transaction, copies of all contracts entered into between respondents and their customers. This provision notwithstanding, respondents shall continue to preserve evidence of compliance with the requirements of Truth in Lending, as required by § 226.6(i) of Regulation Z.

II.

It is further ordered, That respondents United Builders, Inc., a corporation, its succesors and assigns, and its officers, and Marvin Bloom and Paul Denillo, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any advertisement or consumer credit sale of home improvement products or services, or any other products or services, as "credit sale" is defined in § 226.2(t) of Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

(1) Failing to make the consumer credit cost disclosures prescribed by § 226.8 of Regulation Z prior to consummation of the transaction as required by § 226.8(a) of Regulation Z.

(2) Failing to give notice to the customer of his right to rescind the credit transaction by furnishing him with two copies of the "notice to customers required by federal law," set forth in § 226.9(b) of Regulation Z, as required by § 226.9(b) of Regulation Z.

(3) Failing to delay the making of any physical changes in the property of the customer until after the rescission period has expired, as required by § 226.9(c)(2) of Regulation Z.

(4) Failing to delay performance of any work or service for the customer until after the rescission period has expired, as required by § 226.9(c)(3) of Regulation Z.

(5) Failing to delay the making of deliveries to the residence of the customer until after the rescission period has expired, if the creditor has retained or will acquire a security interest other than one arising by operation of law, as required by § 226.9(c)(4) of Regulation Z.

(6) Failing to provide the customer with two copies of the "effect of rescission" set forth in § 226.9(d) of Regulation Z, in the manner and form required by § 226.9(b) of Regulation Z.

(7) Representing, directly or by implication, that customers will or may be liable for damages, penalties, or any other charges in the event they cancel a contract that is rescindable pursuant to § 226.9 of Regulation Z.

(8) Supplying customers with any additional information, explanations, contract clause, or other statements pertaining to a transaction which mislead or confuse the customers or contradict, obscure, or detract from the disclosures required by Regulation Z, in violation of § 226.6(c) of Regulation Z.

(9) Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form, and amount required §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

III

It is further ordered, That respondents shall, within ninety (90) days after service of this order, pay a pro-rata share of the escrow account established in sub-paragraph (2) below to all of respondents' customers who are entitled to receive a share, as "entitled customer" is defined in sub-paragraph (1) below, subject to the monetary limitation in sub-paragraph (2) below. Respondents shall effectuate such restitution in the following manner:

(1) For purposes of this order, an "entitled customer" is a person who purchased a home improvement from respondents on credit, as "credit" is defined in Section 226.2(q) of Regulation Z, during the period July 1, 1973 to October 1, 1975, and who has not, at the time of the signing of this Agreement, instituted any private legal action against respondents alleging violations of Regulation Z. "Entitled customers" shall not include persons who received disclosure statements used and prepared by creditors other than respondents and mailed by the creditor directly to the customer.

(2) On or before the third day after the date this order becomes final, respondents shall deposit the sum of seventeen thousand five hundred dollars ($17,500) into an escrow account in a lending institution with which respondents have had no prior dealings. The escrow account shall be utilized for the payment of amounts due to such of respondents' customer entitled to restitution. Respondents' liability for restitution pursuant to the terms of this order shall not exceed seventeen thousand five hundred dollars ($17,500). Printing costs, postage costs, reasonable and ordinary secretarial fees (as incurred up to but not to exceed $200), and escrow agent fees may be charged against the escrow account, but no other expenses shall be so charged.

(3) On or before the tenth (10th) day after the date this order becomes final, respondents shall compile a list containing the name and last known address of each entitled customer, as defined herein, and shall send or cause the escrow agent to send to that customer a copy of the letter set forth in sub-paragraph (4), infra, together with an envelope addressed to the escrow agent with postage prepaid.

(4) The letter to be sent to each entitled customer shall be as follows:

DEAR CUSTOMER:

The Federal Trade Commission has ordered United Builders, Inc. to give back approximately $17,500, to be divided among each of its customers who bought a home improvement from United between July 1, 1973, and October 1, 1975. Each customer gets an equal share.

The amount of the equal shares will be determined by the number of such customers who sign and send this notice to the independent escrow agent.

To get your share, you must sign and return the bottom part of this letter. It must be postmarked before (*month, day, year—fourteen days after mailing*). The escrow agent will send you a check. The money will be yours to keeps. You must, however, continue your scheduled payments for your home improvement.

Your acceptance of this refund does not affect any rights or obligations you may have under the Truth In Lending Act, nor does it extend any statute of limitations. United has made no admission of wrongdoing in this matter.

If you wish to receive this payment, please sign below and return the bottom part of the notice in the enclosed pre-addressed, pre-stamped envelope.

UNITED BUILDERS, INC.

(Tear off and return)

The money which the escrow agent will send me should be sent to this address:

.....
Sign here.

.....
Print your name.

.....
Print your address.

(5) On or before the thirty-fifth (35th) day after the date this order becomes final, respondents, their agent or the escrow agent shall seek to obtain, for each customer whose letter is returned to respondents undelivered, a current mailing address by the following methods: (1) contacting the holder of the entitled customer's indebtedness; and (2) contacting telephone and utility companies. Respondents, their agent or the escrow agent shall use the address so obtained to comply with sub-paragraph (3) above, on or before the forth-fifty (45th) day after the date this order becomes final, but not less than ten (10) days after the date each letter is returned to respondents undelivered.

(6) Respondent shall instruct the escrow agent as follows:

(a) The escrow agent shall receive and keep each signed and returned letter set forth in sub-paragraph (4) sent to it by each entitled customer.

(b) On the seventieth (70th) day after the date this order becomes final, or on the first business day thereafter if said seventieth (70th) day is not a business day, the escrow agent shall compute the amount to be paid to each entitled customer who has signed and returned the letter set forth in sub-paragraph (4) to the escrow agent by dividing the sum remaining in the escrow account after payment of the escrow agent's fees and expenses equally among those entitled customers; provided, however, that no *pro rata* share may exceed $1,250.

(c) By the second business day after computation as provided in sub-paragraph (6)(b), the escrow agent shall mail a cashier's check for the amount computed in sub-paragraph (6)(b) to each entitled customer who has signed and returned the letter set forth in sub-paragraph (4) to the escrow agent with his current address. Said mailing shall be by first-class mail. Enclosed with each check shall be the following letter:

DEAR CUSTOMER OF UNITED BUILDERS:

Here is a check for $———, which is your share of the $17,500 being returned, as we told you in our previous letter. This check does not affect your schedule of payments.

.....
(Escrow Agent for United Builders)

(d) Any checks which are returned uncashed shall be redeposited in the escrow account.

(e) Upon the ninetieth (90th) day after the date this order becomes final, the escrow agent shall terminate the escrow account, and disburse any monies left therein to respondents.

Respondents' obligation under Paragraph III shall terminate upon the performance of the escrow agent's obligations as set forth in this sub-paragraph.

IV

It is further ordered, That respondents deliver a copy of this order to all present and future sales personnel whose services are engaged by respondents, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

V

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, voluntary bankruptcy, assignment, the creation or dissolution of subsidiaries, or any other change in the corporation.

VI

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment. In addition, for a period of ten (10) years from the effective date of this order, the respondents shall promptly notify the Commission of each affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged, as well as a description of their duties and responsibilities. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

VII

It is further ordered, That respondents shall, within sixty (60) days after the effective date of this order, and within thirty

(30) days after the termination of the escrow account, file with the Commission a report in writing setting forth the manner in which they have complied with the provisions of this order, and any future compliance reports in the form and manner which the Commission may order.

IN THE MATTER OF UNITED BUILDERS, INC.
DOCKET NO. 9043

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from United Builders, Inc., and Marvin Bloom and Paul Denilio, individually and as officers of United.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again decide whether it should withdraw from the agreement or make final the agreement's proposed consent order.

The complaint alleges that respondents violated section 5 of the Federal Trade Commission Act and the Truth In Lending Act. The complaint alleges that respondents made or authorized false and deceptive sales representations, including false pricing claims and claims that customers' homes would be used as "models," in the sale of their home improvements. The complaint also charges respondents with failure to follow several provisions of the Truth In Lending Act, including the failure to provide disclosure statements and rescission notices properly.

The proposed consent order requires respondents to discontinue these violations and to comply in the future with the requirements of each Act. The consent order also requires respondents to provide $17,500 in an escrow accout which will be available to a specified class of customers for restitution. Respondents must also provide a notice to these customers that they are entitled to a pro rata portion of this sum.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order, or to modify in any way their terms.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc. 78-14860 Filed 5-26-78; 8:45 am]

[6750-01]

[16 CFR Part 13]

[Docket No. 9041]

CAPITAL BUILDERS, INC., ET AL.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Charleston, W. Va., home improvement firm to cease misrepresenting or failing to make relevant disclosures regarding prices, interest rates, savings, discounts and financing arrangements. Further, the firm, in connection with the extension of credit, must cease failing to provide consumers with the materials and disclosures required by Federal Reserve System regulations. The company would additionally be required to establish a $35,000 escrow account for making restitution to entitled customers, and to effectuate such restitution in a manner prescribed in the agreement.

DATE: Comments must be received on or before July 24, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Director, Cleveland Regional Office, Federal Trade Commission, Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 4114, 216-522-4207.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25 of the Commission's Rules of Practice (16 CFR 3.25), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

UNITED STATES OF AMERICA, BEFORE FEDERAL TRADE COMMISSION

DOCKET NO. 9041—AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the matter of Capital Builders, Inc., a corporation, and Jerome Finn, and Richard Landman, individually and as officers of said corporation.

The Agreement herein by and between Capital Builders, Inc., a corporation, by its duly authorized officers, and Jerome Finn and Richard Landman, individually and as officers of said corporation, respondents in a proceeding initiated by the Federal trade Commission and their attorneys, and Counsel Supporting the Complaint, is entered into in accordance with Sections 2.32 and 3.25 of the Commission's Rules of Practice and Procedure.

1. Respondent Capital Builders, Inc., is a corporation organized, existing, and doing business under and by virtue of the Laws of the State of Virginia, with its former office and principal place of business located at 1105 Main Street, in the City of Charleston, State of West Virginia 25302.

Respondents Jerome Finn and Richard Landman are the principal officers of said corporation. They formulate, direct, and control the policies, acts, and practices of said corporation, and their addresses are the same as that of said corporation.

2. Respondents have been served with a copy of the Commission's Complaint in the above-captioned matter charging them with violation of the Federal Trade Commission Act, and the Truth In Lending Act, and the implementing regulations promulgated thereunder, together with a form of order that the Commission would have issued if the facts were found as alleged in the complaint.

3. Respondents admit all the jurisdictional facts set forth in the said copy of the complaint.

4. Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; provided, however, that respondents, without admitting the findings of fact and conclusions of law contained in this Agreement waive any right to contest in administrative proceedings the findings and conclusions contained in this Agreement should the Commission make said findings and conclusions and include them in its decision; provided further, that in the event the Commission makes such findings and conclusions, then the decision shall also expressly provide that, in any action which may be brought under Section 19(a)(2) of the Federal Trade Commission Act, as amended, the said findings and conclusions shall not be deemed conclusive within the meaning of Section 19(c)(1)(B)(i) of the Federal trade Commission Act, as amended.

(c) All rights to seek judicial review or otherwise to settle or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim that the signing of this agreement and the Commission's decision and order pursuant thereto bar any action under Section 19 of the Federal Trade Commission Act, as amended, or that the Commission's decision containing the findings and conclusions set out in this Agreement constitute an inadequate basis for an action under Section 19 of the Federal trade Commission Act, as amended.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the complaint, will be placed upon the public record for a period of sixty (60) days and information in respect thereto publicly released. Thereafter, the Commission may withdraw its acceptance of the agreement and so notify the other party, in which event it will return the matter to adjudication for further proceedings or take such other action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding. The Commission may, at any time before final acceptance of this order, require hearings on the relief requirements provided by this order.

6. This agreement is for settlement purposes only and does not constitute an admis-

sion by respondents that the law has been violated as alleged in the said copy of the complaint the Commission has issued. The stipulated facts and conclusions of law contained herein are made solely for the purposes of settlement and compromise of this matter, and shall not be admissible in any other administrative or judicial proceeding other than proceedings arising out of compliance with this order.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34(b) of the Commission's Rules, the Commission may, without further notice to respondents, (1) enter the following findings of fact and conclusions of law, and its decision containing the following order to cease and desist in disposition of the proceedings, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect, and may be altered, modified or set aside in the same manner and within the same time as provided by statute for other orders. The order shall become final upon service. The complaint, findings of fact, and conclusions of law may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement or in the complaint, findings of fact and conclusions of law may be used to vary or contradict the terms of the order.

8. Respondents have read this agreement, stipulations of fact, conclusions of law, and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

STIPULATIONS OF FACT

1. Jerome Finn is President of Capital Builders, Inc. (hereinafter "Capital").

2. Richard Landman is Vice-President and Treasurer of Capital. Jerome Finn and Richard Landman are the sole officers of Capital.

3. As the officers and directors of Capital, Jerome Finn and Richard Landman formulate, direct, and control the acts and practices of Capital and its employees, and formulate and direct the acts and practices of its agents.

4. Capital Builders, Inc., by its agents or employees, entered into transactions with various customers for the purchase of home improvements.

5. Purchases of respondents' home improvements were financed by at least eight lending institutions, including Kanawha Banking and Trust, Charleston National Bank, Kanawha Valley Bank, North American Acceptance Corporation, F.B.S. Financial, Inc., and General Electric Credit Corporation.

6. Stipulations 7 through 27 relate to purchases of respondents' home improvements financed by Kanawha Banking and Trust, Charleston National Bank, and Kanawha Valley Bank, all located in Charleston, West Virginia, for the period July 1, 1973 to October 1, 1975, inclusive (hereinafter referred to as "financing bank")

7. In many instances, customers of Capital were solicited by telephone and subsequently by a salesman representing Capital, and when the customer agreed to purchase home improvements from Capital, a "short form" contract for the purchase was executed by and between the customer and Capital.

8. In many instances the salesman obtained financial information at the time the customer signed a "short form" contract with Capital. This financial information including information regarding outstanding debts, employment, income, and ownership of the real property to be improved.

9. In many instances prior to the time the customer signed the "short form" contract with Capital, the salesman informed the customer of one or more specific finance terms, including the amount financed, the period of repayment, the amount of monthly payment, and the interest rate.

10. In many instances it was understood by both the customer and the salesman for Capital that the "short form" contract was to be financed and that Capital would arrange the financing.

11. This "short form" contract did not contain any disclosure of consumer credit information, including the period of repayment, the amount of monthly payment, the annual percentage rate, or the finance charge, nor was a "Notice to the Customer" as set forth in Section 226.9(b) of Regulation Z (hereinafter "Notice to the Customer"), provided to or left with the customer.

12. In some instances, after execution of the "short form" contract, Capital obtained and paid for building permits and/or property descriptions.

13. Capital's usual practice was to have its salesmen transmit the customer's financial information to Capital's office personnel, who, in turn, forwarded this financial information, as well as the amount financed and the number of payments, to an employee of the installment loan department of the financing bank.

14. In each transaction, the amount of finance charge, amount of each monthly payment, deferred payment price and annual percentage rate were determined by an employee or agent of Capital from instructions and charts provided by the financing bank.

15. The financing bank approved or disapproved the financing of the transaction, and so notified Capital's office personnel.

16. After approval of financing of the transaction by the financing bank, and after execution of the "short form" contract by and between the customer and Capital, Capital contracted for the performance of its obligations with various subcontractors.

17. These subcontractors in fact performed the obligations of Capital under the contract, and were paid therefor by Capital.

18. The financing bank's procedures required Capital to furnish the bank with a note payable to Capital, a Contract and Disclosure Statement ("long form" contract), and a "Notice to the Customer," each signed by the customer. However, in most instances, the Kanawha Valley Bank required the customer to furnish Kanawha Valley Bank with a notice and disclosure form on forms provided by Kanawha Valley Bank, and utilized these forms in lieu of the long form contract and note provided by Capital. In these latter instances, the note and disclosure was mailed by Kanawha Valley Bank directly to the customer, and returned directly to Kanawha Valley Bank. In some instances, the financing bank required the customer to execute a deed of trust to secure the transaction.

19. The financing bank's procedures also required that the aforementioned documents be completed by Capital on forms provided or approved by the financing bank.

20. Capital's agent or employee, who in some instances was not the original salesman, returned to the customer's home to complete and obtain the customer's signature on the above-required documents, except in those instances when Kanawha Valley Bank provided the customer with its forms directly.

21. In many instances, work on the property had already commenced and had been completed at the time of this second visit, or when the note and second contract were provided to the customer.

22. At this second visit, Capital's agent or employee obtained the customer's signature on the note, Contract and Disclosure Statement ("long form" contract), and the "Notice to the Customer." In most instances, Capital's agent or employee dated these documents with the date that the customer executed the contract with the salesman for the purchase of home improvements, even though this second visit occurred at a later date.

23. Capital's agent or employee left copies of the notice, "long form" contract, and "Notice to the Customer" with the customer at this second visit.

24. Upon completion of Capital's obligation under the contract, the customer executed a "Property Improvement Completion Certificate" (hereinafter "Completion Certificate") which he give to Capital, its subcontractor, agent or employee.

25. Except when the customer returned the note directly to Kanawha Valley Bank, respondents negotiated the note to the financing bank and delivered to the financing bank the Contract and Disclosure Statement ("long form" contract), the "Notice to the Customer," and the "Completion Certificate."

26. After the financing bank received these documents, it disbursed the amount financed directly to Capital, either by check or by direct deposit to an account of Capital.

27. At all times material hereto, Capital and the financing banks were engaged in a regular course of dealing with regard to the financing of home improvement transactions, as herein set forth.

28. Stipulations 29 through 34 relate to purchases of respondents' home improvements financed by North American Acceptance Corp. of Atlanta, Ga., F.B.S. Financial, Inc. of Cincinnati, Ohio, L & F Title & Mortgage Co. of Charleston, W. Va., and General Electric Credit Corp. of Pikesville, Md. (hereinafter "finance companies"). L & F Title & Mortgage Co. is a division of Capital.

29. In some instances, Capital, its agents or employees, followed the procedures outlined in Stipulations 7 through 14, but the financing bank disapproved the loan.

30. Capital then sought to obtain financing through one of the finance companies enumerated in Stipulation 28.

31. Capital, its agents or employees, followed the procedures enumerated in Stipulations 15 through 22, except the financing institutions were finance companies, and not financing banks.

32. In some instances, Capital's agent or employee did not inform the customer that financing had been obtained through an out-of-State finance company rather than through a local bank.

33. Capital, its agents or employees, followed the procedures enumerated in Stipu-

lations 23 through 26, except the financing institutions were finance companies and not financing banks, and in all cases payment was made to Capital by check issued by the finance company.

34. At all times material hereto, Capital and each finance company were engaged in a regular course of business with regard to the financing of home improvement transactions as herein set forth.

CONCLUSIONS OF LAW

1. Capital Builders, Inc., arranged for the extension of credit within the meaning of section 226.2(h) of regulation Z, the implementing regulation promulated under the Truth In Lending Act.

2. The credit extended by Kanawha Valley Banking and Trust, Charleston National Bank, Kanawha Valley Bank, the Guaranty Bank, Union Federal Savings and Loan, North American Acceptance Corp., F.B.S. Financial, Inc., General Electric Credit Corp., and L & F Title & Mortgage Co. in each transaction described in the foregoing Stipulations of Fact is "consumer credit" as defined by section 226.2(p) of regulation Z.

3. Each transaction described in the foregoing Stipulations of Fact constituted a single consumer credit transaction from the bank or finance company to the customer through the instrumentality of Capital Builders, Inc.

4. Each of the consumer credit transactions described in the foregoing Stipulations of Fact is a transaction which gave rise to a right of rescission as set forth in section 226.9 of regulation Z.

ORDER

I

It is ordered, That respondents Capital Builders, Inc., a corporation, its successors and assigns, and its officers, and Jerome Finn and Richard Landman, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, distribution, or installation of aluminum siding, storm windows, storm doors, or any other products, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, orally or in writing, or by any other means, that any price for respondents' products and/or services is a special or reduced price, unless such price constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such products and/or services were sold or offered for sale to the public on a regular basis by respondents in the recent, regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

(2) Representing, directly or by implication, orally or in writing, or by any other means, that the home of any of respondents' customers or prospective customers has been specially selected as a model home to be used, or will be used, as a model home, or otherwise, for advertising, demonstration, or sales purposes, or that such customers will thereby be granted any allowance, discount, or commission; provided, however, that nothing in this order shall prohibit respondents from representing, after a contract has been executed between respondents and a purchaser of respondents' products or services, that purchasers or prospective purchasers can earn future compensation by providing the names of prospective purchasers to respondents' personnel connected with the sale of respondents' products or services.

(3) Representing, directly or by implication, orally or in writing, or by any other means, that the purchaser will pay any interest rate other than that which the purchaser will actually pay; provided, however, that nothing in this order shall prohibit respondents from stating the lending institution's prevailing rate of finance charge expressed as an annual percentage rate, as "annual percentage rate" is defined in section 226.2(g) of regulation Z.

(4) Failing to disclose, clearly and conspicuously, that purchasers will have liens placed against their property, when such is the case.

(5) Failing to disclose, clearly and conspicuously, that financing of credit transactions will not be through local financing institutions, when such is the case. For purposes of this order, local financing institutions shall be deemed to be institutions which have a main office or a branch office within the county or any county adjacent to which the purchaser or prospective purchaser resides.

(6) Using any liquidated damages clause in their contract form.

(7) Failing, for a period of 10 years after the effective date of this order, to maintain adequate records:

(a) For a continuing period of three (3) years from the date of transaction which disclose the factual basis for any representations or statements as to special or reduced prices, as to usual and customary retail prices, as to savings afforded to purchasers, and as to similar representations of the type described in paragraphs five (1) and (2) of the complaint.

(b) For a continuing period of three (3) years from the date of transaction with regard to each and every contract hereafter entered into between respondents and their customers, which disclose the amount each customer was charged, exclusive of interest or finance charges, for material and labor; and for those contracts involving siding or the installation of siding, or both, the total amount of siding materials and other materials the type and grade of said siding and other materials, a description of the installation performed, and the total amount of money paid to salesmen, agents, or representatives for the solicitation of said contracts.

The information prescribed in subparagraph (7) need not be aggregated onto separate documents. Respondents' retention of records of the type prescribed in subparagraph (7) shall be deemed prima facie evidence of compliance with subparagraph (7).

(8) Failing to maintain for a continuing period of three (3) years from the date of transaction, all invoices, notices for payment, and all similar documents which respondents receive in the regular course of their business from suppliers, subcontractors, and other persons, and, for a continuing period of three (3) years from the date of transaction, copies of all contracts entered into between respondents and their customers. This provision notwithstanding, respondents shall continue to preserve evidence of compliance with the requirements of Truth in Lending, as required by section 226.6(i) of regulation Z.

II

It is further ordered, That respondents Capital Builders, Inc., a corporation, its successors and assigns, and its officers, and Jerome Finn and Richard Landman, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the extension of consumer credit or advertisements to aid, promote, or assist, directly or indirectly, in the extension of consumer credit, as "consumer credit," "credit sale," and "advertisement" are defined in regulation Z (12 CFR 226) of the Truth in Lending Act (15 U.S.C. section 1601, et seq.), do forthwith cease and desist from:

(1) Failing to make the consumer credit cost disclosures prescribed by section 226.8 of regulation Z prior to consummation of the transaction as required by section 226.8(a) of regulation Z.

(2) Failing to give notice to the customer of his right to rescind the credit transaction by furnishing him with two copies of the "notice to customers required by Federal law," set forth in section 226.9(b) of regulation Z, as required by section 226.9(b) of regulation Z.

(3) Failing to delay the making of any physical changes in the property of the customer until after the rescission period has expired, as required by section 226.9(c)(2) of regulation Z.

(4) Failing to delay performance of any work or service for the customer until after the rescission period has expired, as required by Section 226.9(c)(3) of Regulation Z.

(5) Failing to delay the making of deliveries to the residence of the customer until after the rescission period has expired, if the creditor has retained or will acquire a security interest other than one arising by operation of law, as required by Section 226.9(c)(4) of Regulation Z.

(6) Failing to provide the customer with two copies of the "effect of rescission" set forth in Section 226.9(d) of Regulation Z, in the manner and form required by Section 226.9(b) of Regulation Z.

(7) Representing, directly or by implication, that customers will or may be liable for damages, penalties, or any other charges in the event they cancel a contract that is rescindable pursuant to Section 226.9 of Regulation Z.

(8) Supplying customers with any additional information, explanations, contract clause, or other statements pertaining to a transaction which mislead or confuse the customers or contradict, obscure, or detract from the disclosures required by Regulation Z, in violation of Section 226.6(c) of Regulation Z.

(9) Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with Section 226.4 and Section 226.5 of Regulation Z, at the time and in the manner, form, and amount required by Sections 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

III

It is further ordered, That respondents shall, within ninety (90) days after service of this order, pay a pro-rata share of the escrow account established in sub-paragraph (2) below to all of respondents' customers who are entitled to receive a share, as "entitled customer" is defined in subparagraph (1) below, subject to the mone-

tary limitation in sub-paragraph (2) below. Respondents shall effectuate such restitution in the following manner:

(1) For purposes of this order, an "entitled customer" is a person who purchased a home improvement from respondents on credit, as "credit" is defined in Section 226.2(q) of Regulation Z, during the period July 1, 1973 to October 1, 1975, and who has not, at the time of the signing of this Agreement, instituted any private legal action against respondents alleging violations of Regulation Z. "Entitled customers" shall not include persons who received disclosure statements used and prepared by creditors other than respondents and mailed by the creditor directly to the customer.

(2) On or before the third day after the date this order becomes final, respondents shall deposit the sum of thirty-five thousand dollars ($35,000) into an escrow account in a lending institution with which respondents have had no prior dealings. The escrow account shall be utilized for the payment of amounts due to such of respondents' customers entitled to restitution. Respondents' liability for restitution pursuant to the terms of this order shall not exceed thirty-five thousand dollars ($35,000). Printing costs, postage costs, reasonable and ordinary secretarial fees (not to exceed $200), and escrow agent fees may be charged against the escrow account, but no other expenses shall be so charged.

(3) On or before the tenth (10th) day after the date this order becomes final, respondents shall compile a list containing the name and last known address of each entitled customer, as defined herein, and shall send or cause the escrow agent to send to that customer a copy of the letter set forth in sub-paragraph (4), infra, together with an envelope addressed to the escrow agent with postage prepaid.

(4) The letter to be sent to each entitled customer shall be as follows:

DEAR CUSTOMER:

The Federal Trade Commission has ordered Capital Builders, Inc. to give back approximately $35,000, to be divided among each of its customers who bought a home improvement from Capital between July 1, 1973, and October 1, 1975. Each customer gets an equal share.

The amount of the equal shares will be determined by the number of such customers who sign and send this notice to the independent escrow agent.

To get your share, you must sign and return the bottom part of this letter. It must be postmarked before (*month, day, year—fourteen days after mailing*). The escrow agent will send you a check. The money will be yours to keep. You must, however, continue your scheduled payments for your home improvement.

Your acceptance of this refund does not affect any rights or obligations you may have under the Truth In Lending Act, nor does it extend any statute of limitations. Capital has made no admission of wrongdoing in this matter.

If you wish to receive this payment, please sign below and return the bottom part of the notice in the enclosed pre-addressed, pre-stamped envelope.

CAPITAL BUILDERS, INC.

(Tear off and return)

The money which the escrow agent will send me should be sent to this address:

Sign here.

Print your name.

Print your address.

(5) On or before the thirty-fifth (35th) day after the date this order becomes final, respondents, their agent or the escrow agent shall seek to obtain, for each customer whose letter is returned to respondents undelivered, a current mailing address by the following methods: (1) contacting the holder of the entitled customer's indebtedness; and (2) contacting telephone and utility companies. Respondents, their agent or the escrow agent shall use the address so obtained to comply with sub-paragraph (3) above, on or before the forty-fifth (45th) day after the date this order becomes final, but not less than ten (10) days after the date each letter is returned to respondents undelivered.

(6) Respondent shall instruct the escrow agent as follows:

(a) The escrow agent shall receive and keep each signed and returned letter set forth in sub-paragraph (4) sent to it by each entitled customer.

(b) On the seventieth (70th) day after the date this order becomes final, or on the first business day thereafter if said seventieth (70th) day is not a business day, the escrow agent shall compute the amount to be paid to each entitled customer who has signed and returned the letter set forth in sub-paragraph (4) to the escrow agent by dividing the sum remaining in the escrow account after payment of the escrow agent's fees and expenses equally among those entitled customers.

(c) By the second business day after computation as provided in sub-paragraph (6)(b), the escrow agent shall mail a cashier's check for the amount computed in sub-paragraph (6)(b) to each entitled customer who has signed and returned the letter set forth in sub-paragraph (4) to the escrow agent of his current address. Said mailing shall be by first-class mail. Enclosed with each check shall be the following letter:

DEAR CUSTOMER OF CAPITAL BUILDERS:

Here is a check for $ ———, which is your share of the $35,000 being returned, as we told you in our previous letter. This check does not affect your schedule of payments.

———,
Escrow Agent for Capital Builders.

(d) Any checks which are returned uncashed shall be redeposited in the escrow account.

(e) Upon the ninetieth (90th) day after the date this order becomes final, the escrow agent shall terminate the escrow account, and disburse any monies left therein to respondents.

Respondents' obligation under Paragraph III shall terminate upon the performance of the escrow agent's obligations as set forth in this sub-paragraph.

IV

It is further ordered, That respondents deliver a copy of this order to all present and future sales personnel whose services are engaged by respondents, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution of, voluntary bankruptcy, assignment, the creation or dissolution of subsidiaries, or any other change in the corporation.

VI

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment. In addition, for a period of ten (10) years from the effective date of this order, the respondents shall promptly notify the Commission of each affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged, as well as a description of their duties and responsibilities. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

VII

It is further ordered, That respondents shall, within sixty (60) days after the effective date of this order, and within thirty (30) days after the termination of the escrow account, file with the Commission a report in writing setting forth the manner in which they have complied with the provisions of this order, and any future compliance reports in the form and manner which the Commission may order.

IN THE MATTER OF CAPITAL BUILDERS, INC., DOCKET NO. 9041

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Capital Builders, Inc., and Jerome Finn and Richard Landman, individually and as officers of Capital.

The proposed consent order has been placed on the public record for sxity (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again decide whether it should withdraw from the agreement or make final the agreement's proposed consent order.

The complaint alleges that respondents violated Section 5 of the Federal Trade Commission Act and the Truth In Lending Act. The complaint alleges that respondents made or authorized false and deceptive sales representations, including false pricing claims and claims that customers' homes would be used as "models," in the sale of their home improvements. The complaint also charges respondents with failure to follow several provisions of the Truth In Lending Act, including the failure to provide disclosure statements and rescission notices properly.

The proposed consent order requires respondents to discontinue these violations and to comply in the future with the requirements of each Act. The consent order also requires respondents to provide $35,000 in an escrow account which will be available to a specified class of customers for restitution. Respondents must also provide a notice to these customers that they are entitled to a pro rata portion of this sum.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an offical interpretation of the agreement and pro-

posed order, or to modify in any way their terms.

* * * * *

JAMES A. TOBIN,
Acting Secretary.

[FR Doc. 78-14861 Filed 5-26-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 655]

LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE: ADVERSE EFFECT WAGE RATE FOR TEXAS

Proposed Rulemaking

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed regulation.

SUMMARY: The Department of Labor proposes to publish annually an adverse effect wage rate for the state of Texas, that is, the minimum wage rate which the Department has determined must be offered and paid by the employers of nonimmigrant alien agricultural workers in the State of Texas. The adverse effect wage rate for Texas will be established and set to prevent the employment of these aliens from having an adverse effect on the wages of U.S. workers who are similarly employed.

COMMENTS: Interested persons are invited to submit written comments on this proposed regulation on or before June 26, 1978.

ADDRESS: Send Comments To: Mr. William B. Lewis, Administrator, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Room 8000, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT:

Mr. Aaron Bodin, Chief, Division of Labor Certification, Office of Technical Services, U.S. Employment Service, Employmeht and Training Administration, U.S. Department of Labor, Room 8410, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213, telephone: 202-376-6295.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) of the Department of Labor (DOL) is proposing to amend its regulations at 20 CFR 655.207(b)(2) to add the State of Texas to the list of States for which the Administrator, U.S. Employment Service, must publish annually an adverse effect wage rate for the temporary employment of nonimmigrant aliens in agricultural occupations. The Department's regulations for certification of temporary employment of aliens in the United States are issued pursuant to section 214.2(h)(3)(i) of the Immigration and Naturalization Service (INS) regulations (8 CFR 214.2(h)(3) (i)), set forth below:

> Either a certification from the Secretary of Labor or his designated representatives stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made shall be attached to every nonimmigrant visa petition to accord an alien a classification under Section 101(a)(15)(H)(ii) of the Act.

Separate adverse effect wage rates are currently published annually by the Administrator, U.S. Employment Service, for agricultural employment in the six New England States, New York, Maryland, Virginia, West Virginia, and for employment in the sugar cane industry in Florida. 20 CFR 655.207(b)(1), 43 FR 10317 (March 10, 1978). The rates in all States are either the prevailing wage rate or a somewhat higher wage rate. The adverse effect rates are the wages which must be paid in order to insure that the wage rates of similarly employed U.S. workers are not adversely affected by the temporary employment of aliens. The Department has found that the temporary employment of nonimmigrant aliens in the State of Texas would have an adverse effect on the wages of similarly employed U.S. workers, unless the employers are required to pay the temporary aliens an adverse effect wage rate.

For example, the Department of Labor's Wage and Hour Office in Dallas, Tex., conducted a number of compliance reviews in Presidio Valley in the past calendar year and determined that a number of agricultural employers covered by the Fair Labor Standards Act had failed to pay certain employees the Federal minimum wage. About $40,000 has been collected on behalf of workers for these violations, but this is less than half the amount estimated to be outstanding for the 1977 wage and hour violations in the valley. Additionally, witnesses at the Public Hearing on the Proposed Department of Labor Regulation on Temporary Employment of Aliens in Agriculture, Labor Certification Process, 20 CFR Part 655, held in San Antonio, Tex., on May 27, 1977, indicated that some agricultural employers in south Texas are utilizing undocumented alien workers at or below the minimum wage.

The employment of nonimmigrant mexican and other foreign nationals in Texas has had an adverse effect on the wages and employment of U.S. workers in that State. The Department of Labor has determined that without an adverse effect wage rate for agricultural employment in Texas, the wages and employment of U.S. workers in that State will continue to be adversely affected.

It is anticipated that the rate for 1978 would be $2.97 per hour. The methodology for computing this wage is the same as that used for determining past years' adverse effect wage rates for the 10 States now listed in 20 CFR 655.207(b)(2). The Department has determined that the methodology can be used to construct adverse effect wage rates in a way that is reasonable, cost effective, and geared as much as possible to the reality of agricultural crops, areas, and existing wage factors.

The Department has computed an adverse wage effect rate for Texas for a number of years, based on U.S. Department of Agriculture (USDA) statewide annual average wage rates for agricultural workers, and on the methodology published at 43 FR 10310 (March 10, 1978). The adverse effect wage rates for agricultural employment in Texas, projected for the current year and computed for the preceding 4 years is shown in the table below:

Annual adverse effect wage rates: Texas

Year	Rates	Percentage increase
1978	$2.97	+4.9
1977	2.83	+9.3
1976	2.59	+2.5
1975	2.53	+11.9
1974	2.26	.....

Adverse effect wage rates for Texas were computed for 1968, 1969, and 1970 also, based on USDA data and the above-cited methodology: 1970: $1.69; 1969: $1.59; and 1968: $1.45.

DEVELOPMENT OF REGULATIONS

This proposed rulemaking document was prepared under the direction and control of: William B. Lewis, Administrator, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Washington, D.C.

Accordingly, it is proposed to revise paragraph (b)(2) of § 655.207 of 20 CFR Chapter V, Part 655, to read as follows:

§ 655.207 Adverse effect rates.

* * * * *

(b) * * *

(2) *List of States.* Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Texas, Virginia, and West Virginia. Other States may be added as appropriate.

Signed at Washington, D.C., this 23d day of May 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc. 78-14840 Filed 5-26-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 42]

ENROLLMENT APPEALS

Filing and Processing Appeals

AGENCY: Bureau of Indian Affairs.

ACTION: Proposed rule.

SUMMARY: The Bureau proposes to amend the regulations governing tribal enrollment appeals to more adequately describe situations when the regulations shall apply. It is not our intent to assume the tribes' authority in handling appeals under procedures specified in tribal documents. However, we have found situations existing where it is unclear whether tribal procedures or the regulations should govern. This proposal is designed to eliminate confusion which has arisen as to when the regulations in 25 CFR part 42 govern in processing enrollment appeals.

DATE: Comments must be received on or before June 29, 1978.

ADDRESS: Written comments should be directed to: Chief, Division of Tribal Government Services, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:

Ms. Janet L. Parks, Chief, Branch of Tribal Enrollment Services, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, telephone 202-343-2985; principal author, Ms. Janet L. Parks.

SUPPLEMENTARY INFORMATION: The Secretary is charged with the responsibility of determining who shall be eligible to share in the distribution of trust assets. His responsibility for determining eligibility for membership for tribal purposes is limited to instances where a specific Act of Congress or a tribal document authorizes him to finally determine eligibility for membership purposes.

Appeal procedures set out in tribal ordinances sometimes do not provide for final determination of eligibility by the Secretary or they contemplate only certain types of enrollment actions and not others. It is for such situations that the clarifying revision of 25 CFR 42.2 is proposed.

This amendment is made pursuant to authority vested in the Secretary of the Interior by 5 U.S.C. 301, sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9) and 230 DM 1 and 2.

With the proposed revision, § 42.2, part 42, chapter I of title 25 of the Code of Federal Regulations will read as follows:

§ 42.2 Purpose.

(a) The regulations in this part establish the procedures for filing and processing appeals in conjunction with the rejection of any person for enrollment on a roll of an Indian tribe by a tribal committee, Superintendent, or Director, when final approval of the roll rests with the Secretary either because of provisions in tribal constitutions or ordinances or specific Acts of Congress, particularly when the roll is to be used for the distribution of judgment funds or other trust assets.

(b) These regulations will not apply if procedures for filing appeals by applicants rejected for tribal membership are prescribed in tribal documents, if the tribal procedures adequately cover all types of rejection and provide for final decision of an appeal by the Secretary when trust assets are to be distributed.

No further changes are made in the text of part 42.

Dated: May 12, 1978.

FORREST J. GERARD,
Assistant Secretary, Indian Affairs.

[FR Doc. 78-14879 Filed 5-26-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-136-76]

CONTRIBUTIONS IN AID OF CONSTRUCTION

Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to contributions in aid of construction. Changes to the applicable tax law were made by the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to comply with that Act and would affect all regulated public utilities which provide water or sewerage disposal services.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 31, 1978. The amendments are proposed to be effective for contributions in aid of construction made after January 31, 1976.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention CC:LR:T [LR-136-76], Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Jack A. Levine of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention CC:LR:T, 202-566-3474, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 118 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 2120 of the Tax Reform Act of 1976 (90 Stat. 1912) and are to be issued under the authority contained in sections 118(b) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1912 and 68A Stat. 917; 26 U.S.C. 118(b) and 7805).

Section 118(a) provides that contributions to the capital of a corporation, whether or not contributed by a shareholder, are not includible in the gross income of the corporation.

The new section 118(b) specifies that amounts received as contributions in aid of construction by a water or sewerage disposal utility (described in section 7701(a)(33)(A)(i)) which are used for qualified expenditures and which are not included in the rate base for ratemaking purposes are to be treated as nontaxable contributions to the capital of the utility. The new Code provision distinguishes contributions in aid of construction received by such utilities from fees paid to them for services rendered or to be rendered. Section 1.118-2(a) of the proposed regulation defines the term "contribution in aid of construction" and provides examples of the term.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was Mr. Jack A. Levine of the legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as follows:

§ 1.118 [Deleted]

PARAGRAPH 1. Section 1.118 is deleted.

PAR. 2. Section 1.118-2 is added to read as follows:

§ 1.118-2 Contributions in aid of construction.

(a) *Contribution in aid of construction*—(1) *Definition.* For purposes of section 118(b), the term "contribution in aid of construction" means an item or amount contributed to a regulated public utility which provides water or sewerage disposal services to the extent that the purpose of the contribution is to provide for the expansion, improvement, or replacement of the utility's water or sewerage disposal facilities.

(2) *Examples.* The application of paragraph (a)(1) of this section may be illustrated by the following examples:

Example (1). B, a developer, constructs main water lines and support facilities, including a water filtration plant and a water tower, and turns the facilities over to corporation R, a regulated public utility which provides water services. The transfer by B to R is a contribution in aid of construction.

Example (2). The facts are the same as in example (1), except that B furnishes the necessary funds to R, which uses those funds to build the facilities. The payments to R are contributions in aid of construction.

Example (3). S, a municipality, tears up a road and the water lines under it in order to build a new road. S makes payments to corporation Y, the water utility that owned the old water lines, so that it can put in new lines. The payments are contributions in aid of construction.

(3) *Customer connection fees.* Customer connection fees are not contributions in aid of construction and are includible in income. The term "customer connection fee" includes any payment made to the utility for the cost of installing a connection from the utility's main water or sewer lines (including the cost of meters and piping) and any amount paid as a service charge for stopping or starting service.

(4) *Classification by ratemaking authority.* The fact that the applicable ratemaking authority classifies an amount received by a utility as a contribution in aid of construction is not conclusive of its proper classification.

(b) *Expenditure rule*—(1) *In general.* An amount satisfies the time requirement of section 118(b)(2)(B) if the expenditure referred to in section 118(b)(2)(A) occurs before the end of the second taxable year after the taxable year in which the amount was received.

(2) *Examples.* The application of section 118(b)(2)(B) may be illustrated by the following examples:

Example (1). Corporation M, a regulated public utility which provides water services, spent $100,000 in 1976 for the construction of a water facility. It received contributions in aid of construction of $25,000 per year for the years 1977 through 1980. The purpose of the contributions was to reimburse M for its expenditure for the water facility. The requirement under section 118(b)(2)(B) is satisfied for all of the contributions because the expenditure occurred before the end of the second taxable year after the taxable year in which each contribution was received.

Example (2). In July of 1976, M received $100,000 of contributions in aid of construction for the purpose of constructing a water facility. M is a fiscal year taxpayer with its taxable year ending on June 30. In April of 1979, M constructed the water facility at a cost of $100,000. The requirement under section 118(b)(2)(B) is satisfied because the expenditure occurred before the end of the second taxable year after the taxable year in which the contributions were received.

Example (3). M, a calendar year taxpayer, received $100,000 of contributions in aid of construction in 1977 for the purpose of constructing a water facility. To the extent that the $100,000 exceeded the actual cost of the facility, the contributions were subject to being returned. In 1978, M built the facility at a cost of $70,000 and returned $20,000 to the contributors. As of the end of 1979, M had not returned the remaining $10,000. The requirement under section 118(b)(2)(B) is satisfied for $70,000 of the contribution. Since $20,000 of the contribution was returned within the time period during which qualifying expenditures could be made, such amount is not income. However, the remaining $10,000 was income to M for the 1977 taxable year (the taxable year in which such amounts were received) since it was neither spent nor repaid during the prescribed time period.

Example (4). M, a calendar-year taxpayer, received $50,000 of contributions in aid of construction in 1977 for the purpose of constructing a water facility. M built the facility in 1979 at a cost of $50,000, but none of the costs of construction were paid by M until the following year. The requirement under section 118(b)(2)(B) is not satisfied because the expenditure did not occur before the end of the second taxable year after the taxable year in which the contributions were received.

(3) *Accurate records.* (i) The taxpayer shall maintain accurate records from which it can establish the amounts contributed and expended for a particular project and the dates upon which these contributions were received and expenditures were made.

(ii) If the taxpayer fails to maintain accurate records from which it can establish the facts required by paragraph (b)(3)(i) of this section, then the contributions will be includible in income in the year received.

(c) *Depreciation and investment credit; adjusted basis*—(1) *Disallowance of deductions and investment credit.* Except as provided in paragraph (e) of this section, no deductions for depreciation shall be taken and no investment credit shall be allowed for a water or sewerage disposal facility acquired by a regulated public utility which provides water or sewerage disposal services, to the extent that—

(i) The facility is acquired as a nontaxable contribution in aid of construction,

(ii) The facility is purchased with amounts received as nontaxable contributions in aid of construction, or

(iii) The facility is constructed with amounts received as nontaxable contributions in aid of construction.

(2) *Adjusted basis.* Except as provided in paragraph (e) of this section, to the extent that the water or sewerage disposal facility described in subparagraph (1) of this paragraph is acquired as a nontaxable contribution in aid of construction or is purchased or constructed with amounts received as nontaxable contributions in aid of construction, its adjusted basis shall be zero.

(d) *Reimbursements for facilities that have been placed in service*—(1) *Purpose requirement.* If a water or sewerage disposal facility is placed in service before an amount is received as reimbursement for the cost of the facility, the purpose requirement of paragraph (a)(1) of this section (relating to the definition of the term "contribution in aid of construction") is not satisfied unless, at the time the facility is placed in service, there is an agreement, binding under local law between the prospective contributor and the utility, that the utility is to receive the amount as reimbursement for the cost of the facility.

(2) *Exclusion from basis.* If a contribution in aid of construction is received as reimbursement for the cost of a water or sewerage disposal facility that has been placed in service, then in order for it to be nontaxable, the utility must have excluded (at the time the facility was placed in service) an amount equal to the contribution from—

(i) The adjusted basis of the facility for the purpose of determining deductions for depreciation, and

(ii) The basis or cost of the facility for the purpose of determining investment credit.

(3) *Placed in service.* For purposes of this paragraph, a facility shall be considered placed in service in the earlier of the following taxable years:

(i) The taxable year in which, under the utility's depreciation practice, the period for depreciation with respect to such facility begins (or would begin except for the application of section 118(b) and this section), or

(ii) The taxable year in which the facility is placed in a condition or state of readiness and availability for a specifically assigned function.

(e) *Repayments of nontaxable contributions in aid of construction*—(1) *In general.* If a nontaxable contribution in aid of construction is repaid to the contributor either wholly or in part, then—

(i) To the extent the amount of the contribution exceeds the cost of the water or sewerage disposal facilities constructed or purchased with the contributed funds, the repayment is not a capital expenditure.

(ii) To the extent that the repayment exceeds the amount determined under subdivision (i) of this subparagraph, it is a capital expenditure in the year in which it is made.

(2) *Capital expenditure.* The amounts treated as capital expenditures under paragraph (e)(1) of this section are to be allocated proportionately to the basis of each of the facilities constructed or purchased with the contributed funds. Where such facilities are depreciable,the allocated amounts may be depreciated over the remaining useful life of that facility. For purposes of the investment credit allowed by section 38, to the extent that the amounts treated as capital expenditures are allocated to a facility in a taxable year of the utility, the facility is considered to have been placed in service in that year.

(3) *Illustration.* The following example illustrates the application of this paragraph:

Example. Corporation M, a regulated public utility which provides water services, receives a $100,000 contribution in aid of construction in 1977 from B, a developer, for the purpose of constructing a water facility. To the extent that the $100,000 exceeds the actual cost of the facility, the contribution is subject to being returned. In addition, M agrees to pay to B a percentage of the receipts from the facility over a fixed period. In 1978, M builds the facility at a cost of $70,000 and returns $30,000 to B. In 1979, M pays $50,000 to B out of the receipts from the facility. M is a calendar year taxpaper. The $30,000 payment to B is not treated as a capital expenditure by M. The $50,000 payment to B is treated as a capital expenditure by M in 1979. The adjusted basis of the water facility is increased from zero to $50,000. If the facility is depreciable, the $50,000 basis may be depreciated over its remaining useful life. For purposes of the investment credit allowed by section 38, to the extent of the $50,000 capital expenditure, the facility is considered to have been placed in service in 1979.

(f) *Definitions*—(1) *Expenditure.* For purposes of section 118(b) and this section, the word "expenditure" means actual payment rather than accrual of an obligation to pay.

(2) *Water or sewerage disposal facility.* For purposes of section 118(b) and this section, the term "water or sewerage disposal facility" means tangible property described in section 1231(b) (without regard to the holding period requirements) which is used predominantly in the trade or business of furnishing water or sewerage disposal services.

(g) *Effective date.* The regulations prescribed in this section apply to contributions made after January 31, 1976.

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 78-14964 Filed 5-26-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[28 CFR Part 16]

[Order No. 788-78]

PRIVACY ACT OF 1974

Exemption of Records System

AGENCY: Department of Justice.

ACTION: Proposed regulation.

SUMMARY: This regulation proposes to exempt the Antitrust Division Freedom of Information/Privacy Requester-Subject Index File (JUSTICE/ATR-008) from the provisions of subsections (c)(3) and (d) of the Privacy Act, 5 U.S.C. 552a. The purposes of the exemption are to maintain the confidentiality and security of information compiled for purposes of criminal investigation or civil or regulatory law enforcement or of reports compiled at any stage of the law enforcement process and to maintain the confidentiality and security of information that is specifically authorized to be kept secret in the interests of national defense or foreign policy. Some records contained in this system of records may not be subject to exemptions. A determination will be made as to the exemption of a specific record at the time a request for notification or access is made. A notice of this exemption was previously published as part of the system notice on September 30, 1977, in the FEDERAL REGISTER, Volume 42, Page 53396. However, publication of a proposed rule to effect the necessary amendment to Subpart E of Part 16, 28 CFR, was inadvertently omitted. This proposed rule will correct that omission.

DATES: All comments must be received on or before June 29, 1978.

ADDRESS: All comments should be addressed to the Administrative Counsel, Office of Management and Finance, Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT:

Bronson E. Clayton, 202-739-4165.

The authority for this proposed rule is 5 U.S.C. 552a.

Accordingly it is proposed that 28 CFR 16.88 be amended by adding paragraphs (e) and (f) as follows:

§ 16.88 Exemption of Antitrust Division Systems.

* * * * *

(e) The following system of records is exempt from 5 U.S.C. 552a(c)(3) and (d):

(1) Freedom of Information/Privacy Requester/Subject Index File (JUSTICE/ATR-008). These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because that portion of the Freedom of Information/Privacy Requester/Subject Index File that consists of investigatory materials compiled for law enforcement purposes is being exempted from access and contest provisions of subsection (d); therefore, the provision for disclosure of accounting in subsection (c)(3) is not applicable.

(2) From subsection (d) because of the need to safeguard the identity of confidential informants and to avoid interference with ongoing investigations or law enforcement activities by preventing premature disclosure of information relating to those efforts.

Dated: May 18, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-14862 Filed 5-26-78; 8:45 am]

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-113]

CUTANEOUS AND EYE HAZARD

Request for Information

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Request for information on cutaneous and eye hazards.

SUMMARY: This notice requests information on cutaneous and eye hazards found within the industrial envi-

ronment. Accounting for approximately 46 percent of the occupational illnesses reported in 1975, skin disorders continued to be the most prevalent of occupational diseases. For this reason, OSHA has established a Standards Advisory Committee on Cutaneous Hazards to evaluate information on cutaneous hazards and their control, and to recommend means to alleviate the problem. Because the eyes are usually associated with skin disorders, eye hazards have been included as a part of the Committee's responsibilities. To assist the committee, OSHA is seeking information in the following areas: types of cutaneous and eye hazards; toxicological and epidemiologic studies of these hazards; circumstances of employee exposure, including levels which produced specific conditions and the number of workers involved; feasible means of controlling employee exposures; protective clothing requirements; and existing standards and guidelines pertaining to cutaneous and eye hazards.

DATE: The information requested in this notice must be submitted on or before June 30, 1978.

ADDRESS: Information should be submitted to the OSHA Docket Office, Docket H-113, Room S6212, U.S. Department of Labor, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. John Martin Couric, OSHA Office of Consumer Affairs, Room N3635, Washington, D.C. 20210, 202-523-8024.

SUPPLEMENTARY INFORMATION:

Cutaneous Hazards: Recent Information Received by OSHA

Information from the Bureau of Labor Statistics for 1975 indicates that occupational skin disease continued to be the most prevalent of occupational illnesses in the private sector, with 74,400 reported cases. Skin diseases accounted for 45.6 percent of the occupational illnesses reported, corresponding to a rate of one case per one thousand employees per year. The number of lost workdays attributed to skin diseases was 205,700, or 23.1 percent of the total recorded for all occupational illnesses in 1975.

The National Safety Council reported that approximately 130,000 eye injuries and disorders occurred in industry in 1975. This was approximately 6 percent of all cases reported in 1975.

Background

The skin is an important interface between man and the environment; it is an important portal of entry for hazardous agents and a vulnerable target tissue. The eye may also serve as a portal of entry for hazardous agents. A vast array of physical, chemical, and biological agents cause occupational skin and eye reactions. Adverse effects on the skin range from uncomplicated itching to metastatic neoplasia. Effects on the eye range from irritation, tearing, and conjunctivitis to blindness.

All occupational skin and eye disorders are preventable or controllable by decreasing or eliminating exposure to the causal agent. Thus, a precise etiologic diagnosis, which in many cases means the identification of single or multiple causal agents leading to a skin or eye disorder, is vital to effective management of such problems.

In recognition of the prevalance and importance of occupational skin diseases, the Occupational Safety and health Administration has established the Standards Advisory Committee on Cutaneous Hazards. The Committee has been given responsibility for identifying and evaluating information on cutaneous and eye hazards, and for determining the state-of-the-art of current cutaneous and eye hazard controls. The final product of the Committee's deliberations will be recommendations which can be used in formulating standards for cutaneous and eye hazards.

The following objectives have been set for the Committee.

1. Identify the major problem areas in industry which are hazardous to the skin and eye and/or in which the skin or eye is an important portal of entry.

2. Characterize cutaneous and eye hazards by: a) chemical group or family, b) by patterns of adverse cutaneous, ocular, and systemic reactions. Recommend a system for classifying or rating cutaneous and eye hazards on the basis of severity and types of adverse effects, both local and systemic.

3. Recommend general and specific control methods for types of hazardous materials and/or processes which can be applied to work practices and utilized in prevention of adverse effects.

4. Identify gaps in knowledge and information which need to be addressed. Provide OSHA with a set of priorities for such issues based on urgency, and delineate short-term and long-term goals for research. These goals will provide essential guidelines for future efforts in cutaneous and eye hazard control.

5. Provide a set of guidelines for the systematic setting of standards concerning cutaneous and eye hazards.

Information Requested on Cutaneous Hazards

To assist the Committee in the gathering of information, OSHA is requesting interested parties to provide data pertaining to cutaneous and eye hazards and their control, including but not limited to:

1. Epidemiologic studies of cutaneous and eye hazards in industry.

2. Cutaneous and eye hazards found in industry, with supportive data.

3. Employee exposure (actual or potential) to these hazards, including levels which produced specific conditions and the number of employees involved.

4. Technological and economic feasibility of reducing employee exposure.

5. Appropriate protective clothing, hygiene practices, and facilities.

6. Foreign standards and recommended guidelines for working with cutaneous and eye hazards.

Submittal of Information Requested in This Notice

Interested persons are invited to submit written data, views, and comments with respect to the foregoing issues. All communications should be submitted in quadruplicate by June 30, 1978, to the OSHA Docket Office, Docekt H-113, Room S6212, U.S. Department of Labor, Washington, D.C. 20210. Timely written submissions will be considered in any action taken by this agency.

References

The following documents, referred to in this notice, are available for inspection and copying at the OSHA Docket Office Center, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C., telephone 202-523-7894.

(1) *Occupational Injuries and Illnesses in the United States by Industry, 1975;* bulletin 1981, U.S. Department of Labor, Bureau of Labor Statistics, 1978.

(2) Suskind, R.R., "Environment and the Skin," *Environmental Health Perspectives,* Vol. 20, pp. 27-37, October 1977.

(3) Emmett, E.A. and Suskind, R.R., "Occupational Dermatoses," Department of Environmental Health, University of Cincinnati.

(4) *Accident Facts;* 1976 Edition, National Safety Council.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of May, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-15132 Filed 5-26-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 43a]

[DoD Directive 1344.9]

INDEBTEDNESS OF MILITARY PERSONNEL

Extension of Comment Period

AGENCY: Office of the Secretary of Defense.

ACTION: Extension of comment period.

SUMMARY: Due to the impact of the proposed rule published in the FEDERAL REGISTER on April 26, 1978 (43 FR 17838), the Office of the Secretary of Defense is allowing an extension of the comment period to give interested persons additional time to respond to the proposed rule.

DATE: Comments must be received on or before June 9, 1978.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Military Personnel Policy), Room 3C980, the Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:

Ms. Barbara E. Schoenberger, 202-697-9525 or 202-697-4054.

Dated: May 24, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 78-14870 Filed 5-26-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 77-230]

DRAWBRIDGE OPERATION REGULATIONS

Victoria Channel, Tex.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Central Technology on behalf of the Missouri Pacific Railroad Co. the Coast Guard is considering amending the regulations for the railroad drawbridge across Victoria Channel, mile 29.4, near Bloomington, Tex., to permit automated operation of this draw. This drawbridge is presently manned and opens on signal at any time. With an average of 4.4 daily openings, draw tenders appear to be unnecessary. The automation of this bridge, as proposed, appears to meet the reasonable needs of navigation.

DATE: Comments must be received on or before July 5, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (obr), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, La. 70130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300 Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Each person submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Eighth Coast Guard District, will forward any comments received, with his recommendations, to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this propsal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, it is proposed that part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.554 immediately after § 117.553 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.554 Victoria Channel, mile 29.4, near Bloomington, Tex.

(a) The bridge need not be manned by a regular attendant.

(b) The lift span is normally in the down position, providing a vertical clearance of 22 feet above mean high water.

(c) Three long blasts of a horn or whistle from an approaching vessel activates navigational approach detectors, located one-half mile upstream and downstream from the bridge.

(d) Interruption of the approach detector beams by a vessel will cause (1) the draw to open to the fully raised position of 50 feet above mean high water for 10 minutes, (2) a navigation warning siren to sound, (3) the navigation light to change from red to green.

(e) Breaking of the entry/exit detector beam located at the end of the bridge fender system will keep the span open for a second 10-minute interval or until the vessel clears the exit/entry detector located at the opposite end of the fender system, whichever occurs earlier.

(f) If a vessel is unable to reach the bridge before the span closes, an additional signal of three long blasts of a horn or whistle will cause the span to reopen.

(g) If the draw is in the open position for the passage of a vessel, and a train enters an approach circuit to the bridge, the opening will be extended for 5 minutes if the exit/entry detector is broken by a vessel passage, otherwise the span will close at the end of the original 10-minute opening period. After the train passes, the span will open for any waiting vessels.

(h) If a train is approaching the bridge so closely that the train may not be safely stopped, the bridge will not open until the train has passed.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5)).

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended, and OMB Circular A-107

Dated: May 22, 1978.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 78-14952 Filed 5-26-78; 8:45 am]

[4910-14]

[33 CFR Part 117]

[CGD 78-63]

DRAWBRIDGE OPERATION REGULATIONS

Frederica River, Ga.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Brunswick-Glynn County Joint Planning Commission, the Coast Guard is considering revising the regulations governing the operation of the Torras Causeway drawbridge across the Frederica River (Atlantic Intracoastal Waterway, mile 675.5) between St. Simons Island and Brunswick, Ga. This change would allow limited openings during peak vehicular traffic during morning and evening rush hours, Monday through Friday. This would provide a more even flow of vehicular traffic during these periods.

DATE: Comments must be received on or before July 5, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Seventh Coast Guard District, 51 Southwest First Avenue, Miami, Fla. 33130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environmnent and Systems, and Stephen H. Barber, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The proposed regulations requested by the Brunswick-Glynn County Joint Planning Commission recommended the hours for restricted periods from 7:30 a.m. to 9:30 a.m., and 4:30 p.m. to 6:30 p.m., with openings on the hour and half-hour, Monday through Friday, except holidays; and from 7:30 a.m. to 6:30 p.m., Saturday, Sunday, and holidays. An examination of the data submitted showed that the weekday hours would provide for the heavy vehicular traffic during the periods proposed. However, the Coast Guard feels that the relatively light traffic counts on weekends were not sufficient to justify inclusion of this period and this portion is therefore deleted from the proposal at this time. If new data is submitted by the applicant and demonstrates a need for restrictive hours on weekends, this change may be made at that time.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.409 immediately after § 117.408 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.409 Frederica River, Atlantic Intracoastal Waterway, mile 675.5, Torras Causeway, Glynn County drawbridge, St. Simons Island to Brunswick, Ga.

(a) From 7:30 a.m. to 9:30 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except holidays, the draw need only open on the hour and half-hour to pass all accumulated vessels. At all other times, the draw shall open on signal.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, and vessels in distress.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)): 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: May 22, 1978.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc. 78-14951 Filed 5-26-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[Docket No. DCO-78-4; FRL 902-6]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Disapproval of an Administrative Order Issued by the Commonwealth of Kentucky, Department for Natural Resources and Environmental Protection, to Airco, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to disapprove an Administrative Order issued by the Commonwealth of Kentucky to Airco, Inc. The Order requires Airco, Inc., to bring air emissions from its electrometallurgical facility at Calvert City, Ky., into compliance with certain regulations contained in the federally approved Kentucky State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with the provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act, 42 U.S.C. 7401 et seq. (the Act). If approved by EPA, the Order would become effective as a delayed compliance order under section 113(d) of the Act and would constitute an addition to the Kentucky Implementation Plan. While a delayed compliance order places a noncomplying source on a remedial compliance schedule, it does not alter the underlying State Implementation Plan compliance date. Under section 113(d)(10) of the act, EPA approval of the Order would also insulate the source from Federal enforcement action under section 113 of the Act and from citizen enforcement action under section 304 of the Act for violations of the regulations covered by the Order during the period the Order is in effect and the source is complying with its terms. The purpose of this notice is to invite public comment on EPA's proposed disapproval of the Order under section 113(d)(2) of the Act.

DATE: Written comments must be received on or before June 29, 1978.

ADDRESSES: Comments should be submitted to Paul J. Traina, Director, Enforcement Division, EPA, Region IV, 345 Courtland Street, Atlanta, Ga. 30308. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Richard S. DuBose, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, telephone No. 404-881-4298.

SUPPLEMENTARY INFORMATION: Airco, Inc., operates a metallurgical facility at Calvert City, Ky. The Order under consideration limits the emission of particulate matter from a number of emission points at the facility. The substance of the Order, which has been consented to by Airco, Inc., is as follows:

COMMONWEALTH OF KENTUCKY, DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION, FILE No. 02-76-85

AGREED ORDER

Department for Natural Resources and Environmental Protection, Plaintiff, v. *Airco, Inc., ID No. 072-2600-0002,* Defendant

Come the parties hereto and for Final Settlement of the Administra-

tive Complaint filed by the Plaintiff herein on or about February 10, 1976, do hereby agree as follows; to wit:

1. That the Defendant agrees to pay as penalties for violations alleged by the Department in its Administrative Complaint (but without any admission by the Defendant of having committed such violations) the sum of Twenty Thousand Dollars ($20,000); such sum to be remitted, payable to the Treasurer of the Commonwealth of Kentucky, within fifteen (15) days of the execution of this Agreed Order by the Secretary of the Department for Natural Resources and Evironmental Protection;

2. That the Defendant and the Plaintiff further agree that final compliance as hereinafter specified will be achieved on or before November 1, 1977, subject to the following conditions:

a. That construction of all capture and collection equipment was completed for Furnace No. 6 before July 1, 1977, and shall be completed for Furnace No. 4 on or before August 15, 1977.

b. That all shakedown procedures were completed for Furnace No. 6 for separate operation on or before August 15, 1977, and will be completed for Furnace No. 4 for separate operation sixty (60) days after start up of Furnace No. 4. The Defendant shall immediately notify the Plaintiff of the start up of Furnace No. 4 in writing.

c. That Furnaces No. 4 and No. 6 in separate operation shall be in full compliance at start up using testing and monitoring methods as specified in subparagraphs h and i of this Order.

d. That installation of all control equipment was completed on Furnaces No. 9, 12, 13, 15, and 16 on or before April 15, 1977.

e. That all shakedown procedures were completed on Furnaces No. 12, 13, 15, and 16 on or before August 15, 1977, and shall be completed on Furnace No. 9 within sixty (60) days from the date of start-up. The Plaintiff shall be immediately notified in writing of the start-up of Furnace No. 9.

f. That Furnaces No. 15 and 16 in joint or separate operation shall be in full compliance using testing and monitoring methods as specified in subparagraphs h and i of this Agreed Order on or before August 1, 1977.

g. That Furnaces No. 12 and 13 in joint or separate operation shall be in full compliance using testing and monitoring methods as specified in subparagraphs h and i of this Agreed Order on or before August 1, 1977.

h. The parties agree that, at this time, there is no standardized technique for source testing the effluence from the baghouse. Therefore, compliance with this Agreed Order shall be achieved when the baghouse effluent does not exceed a 3 percent opacity limit (using Environmental Protection Agency Method 9).

In addition, visible emissions from the Electric Arc Furnaces, excepting Furnace No. 13, as measured from the roof monitors or other building openings shall not be allowed except for 40 percent of a furnance tapping period. The tapping period is defined as the time duration from initiation of the process of opening the tap hole until plugging of the tap hole is completed.

Visible emissions from Furnance No. 13 and point 13a (Reaction Ladle) as measured from the roof monitors or other building openings shall not be allowed except during the metallurgical treatment process at which time visible emissions shall not exceed 15 percent opacity (using the U.S. EPA Method 9).

Further, Airco Alloys shall provide a reasonable method acceptable to the Department for monitoring air flow rate through capture ducts, such as measuring appropriate fan power consumption and pressure drop across the fan.

i. That final compliance under this Order will not be achieved until the appropriate representatives of the Plaintiff have witnessed the satisfactory operation of the control equipment pursuant to a request by the Defendant.

j. Upon the start-up of Furnaces No. 4 and No. 6 in joint operation, the Defendant shall immediately notify the Plaintiff in writing of such start-up. The defendant shall prove final compliance using testing and monitoring methods as specified in subparagraphs h and i of this Agreed Order on or before sixty (60) days from the date of such start-up.

k. The Defendant shall immediately notify the Department in writing of the start-up of Furnace No. 9 singly or in any combination with Furnaces No. 15 and No. 16. Final compliance using testing and monitoring methods as specified in subparagraphs h and i of this Agreed Order shall be proved by the Defendant on or before sixty (60) days from the date of such start-up.

3. That the Defendant shall submit a control plan for control of fugitive dust at all fugitive dust emission points, including, but not necessarily limited to, all portable and stationary crushing and screening operations, collected material handling at baghouses, cast bed areas, and haul roads, by November 1, 1977. Proof of final compliance for those points which shall be controlled by wet suppression shall be submitted by October 1, 1978. Interim measures shall be utilized to reduce the emission of fugitive dust from the facility until final compliance is achieved. The Defendant shall prove compliance for those points for which capture and collection equipment is to be utilized on or before July 1, 1979. Compliance shall be proven in accordance with the requirements of 401 KAR 3:060 section 14, or any subsequent regulation that supersedes 401 KAR 3:060 section 14 and is deemed to be less stringent than the existing regulation. In the event a superseding regulation is promulgated which is deemed to be more stringent, the defendant shall have a reasonable period of time in which to comply therewith.

4. That the Defendant shall submit a control plan for the control of emissions from the metallurgical treatment ladle, point 13(a), on or before November 1, 1977, and shall prove compliance using testing and monitoring methods as specified in subparagraphs h and i of this Agreed Order on or before October 1, 1978.

Upon a showing by the Defendant, on or before August 1, 1978, to the satisfaction of the Plantiff, that the Defendant has exhausted all feasible avenues of technological experimentation to achieve final compliance for point 13(a), such showing to include the costs of such experimentation or technology, and that the Defendant has complied with all the provisions of the approved control plan for point 13(a), the parties hereto shall meet and negotiate an extension of time for proof of final compliance. In no event shall the date for final compliance be extended past July 1, 1979.

The Defendant shall control point 13(a) to the best of its ability while utilizing experimental methods to determine a method to attain final compliance. Such experimental methods may include but are not limited to steel shields. These experimental methods shall constitute the Defendant's program for interim control so long as the Defendant continues diligently towards compliance.

5. That the inability of the Defendant to comply with the compliance requirements of this Agreed Order may be grounds for extension of some or all of the aforesaid dates only upon written approval of the Plaintiff and only if such inability is the result of an Act of God or public enemy, accidental fire or explosion, flood, war, riot, sabotage, accident not caused by the Defendant's negligence, governmental order, strike, labor slow down or work stoppage, or lockout not by the Defendant, failure to supply of materials, parts, or equipment, or failure, delay, refusal of any designer, fabricator, or supplier to design, fabricate, deliver or install as agreed any equipment necessary to the performance of the obligations undertaken herein, provided that the Defendant shall notify the Director of the Division of Air Pollution Control and the Division's Paducah Regional Office immediately by the most expedient method, and in writing within seven

(7) days of its first knowledge of such occurrence or of the likelihood of such occurrences, fully describing said delay to the satisfaction of the Director. However, the inability of the Defendant to satisfy the compliance requirements of this Agreed Order due to the cost of acquisition or installation of control equipment shall not be grounds for extension of any of the aforesaid dates.

6. That the Plaintiff agrees to forego its statutory, administrative and common law remedies for past violations so long as the Defendant performs the obligations and duties hereintofore described, but upon the failure of the Defendant to perform according to the provisions of this Agreed Order, the Plaintiff will be free to immediately proceed to enforce this Agreed Order, all applicable statutes, administrative regulations and common laws and to seek all appropriate remedies.

* * * * *

Because this Order had been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under section 113(d) of the Act. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection. Based upon a thorough review, EPA has objections to the Order, including the following:

1. The Order does not ensure that electric arc furnace Nos. 4, 6, and 9, operating singly or in combination with other furnaces, will achieve final compliance by July 1, 1979.

2. The Order does not notify the source that, unless exempted under section 120(a)(2) (B) or (C) of the Clean Air Act, it will receive a notice of noncompliance and noncompliance penalties will be assessed and collected under section 120 in the event the source fails to achieve final compliance by July 1, 1979.

3. The Order does not contain a schedule and timetable for compliance for the fugitive dust emission points or for the metallurgical treatment ladle, in that no increments of progress are included for these points.

4. With respect to the interim control of fugitive dust emission points and the metallurgical treatment ladle, the Order does not (a) include specific interim controls which represent the best practicable system of interim emission reduction, or, in the alternative, a finding that no system of interim emission reduction is practicable, and (b) include a requirement that the source remains subject to the enforcement of applicable State and Federal emergency provisions designed to prevent an imminent and substantial endangerment to human health.

5. The Order does not include emission monitoring and reporting requirements.

6. The Order includes a "force majeure" clause which would permit noncompliance beyond July 1, 1979.

In view of these objections, EPA proposes to disapprove the Order. If the Order were approved by EPA, compliance with its terms would preclude federal enforcement action under section 113 of the Act against the source for violation of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. If the Order is disapproved, EPA will take appropriate enforcement action.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order. After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgatd by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of an order under section 113(d) of the Act. In addition, Part 65 will contain sections listing or including orders issued, approved or disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975) will be withdrawn, and replaced by a notice promulgating these new regulations.

Dated: May 11, 1978.

JOHN C. WHITE,
Regional Administrator,
Region IV.

[FR Doc. 78-14868 Filed 5-26-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 902-5]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for WSC Corp., Chicago, Ill.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an administrative order to the WSC Corp. The Order requires the company to bring air emissions from its basic oxygen process shop and coke battery in Chicago, Ill, into compliance with certain regulations contained in the federally-approved Illinois State Implementation Plan (SIP). Because the company is unable to comply with these regulations at this time, the proposed order would establish an expeditious schedule requiring final compliance by November 1, 1978, for the basic oxygen process shop and July 1, 1979, for the coke battery. Source compliance with the Order would preclude suits under the federal enforcement and citizen suit provision of the Clean Air Act for violation of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the order.

DATE: Written comments and requests for a public hearing must be received on or before June 29, 1978. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after thirty days prior notice of the time and place of the hearing has been given in this publication.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604. The proposed Order, supporting materials, and public comments received in response to this notice may be inspected and copies made (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Robert B. Hurwitz at enforcement Division, EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, telephone: 312-353-2082.

SUPPLEMENTARY INFORMATION: WSC Corp. (formerly Wisconsin Steel Division of International Harvester Co.) operates a steel mill at Chicago, Ill. The proposed Order addresses emissions from its coke oven and basic oxygen process shop at this facility, which are subject to Illinois Air Rules 202(b) and 203(d). The regulations govern the emissions of particulate matter, and are part of the federally-approved State Implementation Plan. The Order requires final compliance with regulation by July 1, 1979, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, compliance with its terms would preclude further EPA enforcement action under Section 113 of the Act against the source for violations of

the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedure for EPA's issuance, approval, and disapproval of an Order under Section 113(d) of the Act. In addition, Part 65 will contain sections summarizing orders issued, approved, and disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

Comments received by the date specified above will be considered in determining whether EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. Final action on the Order will be published in the FEDERAL REGISTER.

(AUTHORITY: Section 113(d) of Clean Air Act, 42 U.S.C. §7413(d).)

Dated: May 1, 1978.

GEORGE ALEXANDER,
Regional Administrator,
Region V.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

I. By revising Section 65.180 to read as follows:

§65.180 Federal delayed compliance orders issued under Section 113(d) (1), (3), and (4) of the Act.

The following Order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. section 7413(d) (hereinafter referred to as the "Act"). Public notice and opportunity for public hearing have been provided. The Order contains a schedule and timetable for interim requirements and requires emission monitoring and reporting. Final compliance is required as expeditiously as practicable, but not later than July 1, 1979. The source is hereby notified that it will be required to pay a noncompliance penalty in the event it fails to achieve final compliance by such date. The State of Illinois has been given thirty (30) days notice of this Order.

On January 9, 1976, February 4, 1976, April 12, 13, 19, 20, 1977, May 12, 1977, and June 2, 1977, United States Environmental Protection Agency (hereinafter referred to as "U.S. EPA") certified smokereaders observed emissions from WSC Corporation's (hereinafter referred to as the Company) coke battery and basic oxygen furnace shop located at its Chicago, Ill., facility. Based on these observations, U.S. EPA has found that the aforementioned coke battery is in violation of the State of Illinois Air Pollution Control Regulations 203(d)(6) (B)(i)(bb) and 203(d)(6)(B)(iv)(aa), and that the aforementioned basic oxygen process shop is in violation of the State of Illinois Air Pollution Control Regulation 202(b), parts of the applicable Illinois Implementation Plan, as defined in section 110(d) of the Act.

Therefore, it is hereby *ordered:* I. That the Company will comply with the Illinois particulate control regulations in accordance with the following schedule on or before the dates listed therein.

A. Basic Oxygen Process Shop

1. August 1, 1977—Undertake a program to develop an oxygen lance hole cover or closure to minimize leakage from fume collection hood.

2. January 1, 1978—Submit description and working drawings of lance hole cover or closure to be installed.

3. July 1, 1978—Rehabilitate main fume collection systems by replacing severely warped or damaged panels and sealing openings, and by replacing and realligning hood panel supports.

4. October 1, 1978—Install lance hole cover or closure on each furnace system and achieve compliance with Rule 202(b).

5. November 1, 1978—Submit results of particulate emission test of electrostatic precipitator stacks and certify compliance.

B. Coke Ovens—Charging

1. November 1, 1977—Install new jumper pipe on the No. 3 larry car hopper.

2. After Novenber 30, 1977, the U.S. EPA shall evaluate the charging operation to determine compliance with Illinois Regulation 203(d)(6)(B)(i)(bb). If a determination is made that emissions continue to violate such regulation, the Company shall install a new jumper pipe on the No. 2 larry car hopper by April 15, 1978.

3. April 15, 1978—Achieve and certify compliance with the applicable Illinois Implementation Plan.

C. Coke Ovens—Doors

1. Immediately—Operate in compliance with the maintenance program attached as Appendix A hereto.

2. Immediately—Undertake a program to evaluate the effectiveness of alternate types of door sealing methods and the availability of door hoods with associated gas cleaning equipment.

3. After May 1, 1978, the U.S. EPA shall evaluate the door emissions to determine compliance with Illinois Regulation 203(d)(6)(B)(iv). If a determination is made that emissions continue to violate such regulation, the Company shall submit a program by July 1, 1978 designed to achieve compliance with such regulation.

4. July 1, 1979—Achieve and certify compliance with the appplicable Illinois Implementation Plan.

II. Pursuant to Section 113(d)(7) of the Act, during the period of this Order, until completion of the program set out in Paragraph I herein, the Company shall use the best practicable systems of emission reduction so as to minimize particulate emissions and shall further comply with the requirements of the applicable implementation plan insofar as it is able to.

III. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, Section 303 of that Act, 42 U.S.C. Section 7603.

IV. All submissions and notifications to U.S. EPA pursuant to this Order, shall be made to the Air Compliance Section, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-2090.

V. Nothing herein shall affect the responsibility of the Company to comply with State or local regulations.

VI. The Company shall submit quarterly reports on its abatement efforts commencing three months after date of program approval and ending upon full implementation of the abatement program contained in Paragraphs 1.

VII. The Company shall comply with all emission monitoring requirements of the State of Illinois Implementation Plan.

Dated: October 27, 1977.

GEORGE ALEXANDER,
U.S. Environmental
Protection Agency.

The Company has reviewed this Order, stipulates as to the correctness of all facts represented therein, and consents to the terms and conditions of this Order.

Dated: October 5, 1977.

By: MICHAEL T. LYON,
Vice President,
General Counsel, WSC Corp.

Dated:————

Administrator, U.S. Environmental
Protection Agency.

APPENDIX A—OPERATION AND MAINTENANCE PROCEDURES

COKE OVEN DOOR LEAKAGE

A. *Push Side Doors.* 1. Prior to charging each oven, push side coke oven doors shall be cleaned with the automatic door cleaner, inspected and if needed, adjusted, repaired or replaced. If the automatic door cleaner is not operable or completeley effective, cleaning shall be done or completed by hand. This work shall meet the following minimum standards:

a. The door will be cleaned to permit a thorough inspection of the sealing surfaces.

b. Tar, pitch and other extraneous material shall be cleaned from the sealing surfaces. Particular attention will be paid to cleaning the bottom of the door where an accumulation of tar and pitch is most often found, and the portions of the door above the top latch.

c. Any minor knife edge repairs necessary will be made.

d. Any adjustments to the sealing edge springs indicated by the inspection will be made.

e. The condition of the door plug refractory will be inspected, and any minor repairs indicated will me made.

f. If, in the judgment of the foreman, the door requires extensive repair and maintenance beyond that which can be made on the bench, the door will be replaced with a spare door before the oven is next charged.

2. Any oven which emits a visible emission from the door or chuck door seal at the end of the coking cycle will be noted in a written record. If any oven emits a visible emission from the door seal at the end of two or more consecutive coking cycles, the foreman shall replace that door or jamb or both according to his judgment, except that if the leak is due solely to damage caused to the door since or during its last replacement on the oven, he may elect to make repairs that are sufficient to alleviate the leak without replacing the door. When any repair or replacement is done pursuant to this Paragraph 2, it shall be noted in the written record and identified by the door number.

B. *Push Side Door Jambs.* 1. Push side door jambs shall be cleaned with the automatic jamb cleaner, inspected and, if necessary, repaired after each push. If the automatic jamb cleaner is not operable or com-

pletely effective, cleaning shall be done (or completed) by hand. This work shall meet the following minimum requirements:

a. The jamb will be cleaned to permit a thorough inspection of the sealing surfaces.

b. Tar, pitch and other extraneous material shall be cleaned from the sealing surfaces. Particular attention will be paid to cleaning the bottom of the jamb where an accumulation of tar and pitch is most often found, and the portion of the jamb above the top latch.

c. The jamb will also be inspected for warpage which would prohibit door sealing.

d. Refractory against the jamb will be repaired as indicated by the inspection.

e. If, in the judgment of the foreman, the jamb requires replacement, the oven will not be charged until a new jamb has been installed.

C. When procedures required by Parts A and B call for replacement of a door jamb, the replacement shall be a new or rebuilt door or jamb.

[FR Doc. 78-14878 Filed 5-26-78; 8:45 am]

[3510-49]

DEPARTMENT OF COMMERCE

National Fire Prevention and Control Administration

[45 CFR Part 2012]

PROMULGATION AND REVIEW OF NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION REGULATIONS

CROSS REFERENCE: For the text of a notice of proposed rulemaking document published by the National Fire Prevention and Control Administration (NFPCA), Department of Commerce on the promulgation and review of NFPCA regulations see FR Doc. 78-14811 appearing in Part II of this issue. Refer to the table of contents under Department of Commerce for the correct page number.

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 312, 314, 431, 514, 601, 807, 814]

[Docket No. 77N-0248]

PUBLIC INFORMATION

Disclosure of Existence; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The comment period for the subject proposal is extended, based on a request for an extension, to provide additional time to submit comments.

DATE: Comments by June 30, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Stuart M. Pape, Office of the General Counsel, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4350.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of March 28, 1978 (43 FR 12869), with a correction published in the FEDERAL REGISTER of March 31, 1978 (43 FR 13587), the Commissioner of Food and Drugs issued a proposal to amend existing regulations and promulgate new regulations to permit public disclosure of the existence and status of applications for approval of new drugs, new animal drugs, and medical devices pending before the Food and Drug Administration (FDA), and permit public acknowledgement of the existence of notices of intent to market medical devices. The proposal would further amend the agency's public information and related regulations to permit the agency to respond truthfully and accurately to inquiries about the existence of applications for investigational notices for new drugs, new animal drugs, and medical devices when those notices have been approved by FDA or allowed to become effective. Comments were to be submitted on or before May 30, 1978.

The Commissioner has received a letter from the German American Chamber of Commerce, Inc. (on file with the Hearing Clerk, address given above), requesting an extention of the comment period. The request asserts that additional time is necessary for the Chamber to obtain and evaluate comments from medical device manufacturers in Germany whom they represent and transmit the comments to FDA.

The Commissioner finds this request reasonable and extends the comment period to June 30, 1978.

Interested persons may, on or before June 30, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 24, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 78-15191 Filed 5-26-78; 11:57 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

NATIONAL FOREST MANAGEMENT ACT COMMITTEE OF SCIENTISTS

Meeting

The Committee of Scientists will meet at 9 a.m., on June 19-21, 1978, at the Hilton Inn, 921 SW. 6th Avenue, Portland, Oreg.

The purpose of this meeting will be to continue review of draft regulations for section 6 of the National Forest Management Act of 1976, to discuss silvicultural practices and public involvement of the regulations.

The meeting will be open to the public. Person who wish to attend and/or furnish written statements should notify Charles R. Hartgraves, Forest Service, Director, Land Management Planning, P.O. Box 2417, Washington, D.C. 20013, area code 202-447-5933.

Dated: May 22, 1978.

LENNART E. LUNDBERG,
Acting for Administration.

[FR Doc. 78-14875 Filed 5-26-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 32324]

AIR JAMAICA LTD., RESPONDENT, ENFORCEMENT PROCEEDING

Hearing

The hearing herein is set for June 26, 1978 at 10 a.m. in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. 20428, before the undersigned administrative law judge.

In view of respondent's denial of complainant's charges as to passengers Nos. 1 through 9, 13 through 20, 23 through 29, 32 through 35, and 40 through 45 complainant's counsel shall advise the presiding administrative law judge and respondent's counsel no later than June 16, 1978 of the number of witnesses and their number in the appendix to the complaint whom complainant expects to call and the time which their direct examination is expected to require. No later than June 21, 1978 respondent's counsel shall furnish corresponding information to the presiding administrative law judge and complainant's counsel.

Dated at Washington, D.C., on 23 May 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 78-14942 Filed 5-26-78; 8:45 am]

[6320-01]

[Docket 32115; Order 78-5-144]

BOISE-DENVER NONSTOP PROCEEDING

Order on Motions for Consolidation

Issued under delegated authority May 23, 1978.

By Order 78-5-111, served May 22, 1978, the Board authorized this Judge to consolidate in this proceeding any applications which conform to the scope of the proceeding and to dismiss nonconforming applications.

Accordingly, *it is ordered*, That:

1. The Motions of the following named carriers are granted; and their applications filed in the indicated dockets are consolidated in the proceeding in Docket 32115 to the extent the applications conform to the scope of the proceeding in the Boise-Denver Nonstop Proceeding:

a. Texas International Airlines, Inc., application filed in Docket 32196;

b. Western Air Lines, Inc., application filed in Docket 32201;

c. Continental Air Lines, Inc., application filed in Docket 32205.

2. The Motion of Hughes Airwest for consolidation of its application in Docket 29560, which does not conform with the scope of this proceeding, is dismissed. (This order does not affect the application of Hughes Airwest in Docket 30955 which was previously consolidated herein by the Board.)

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless before that date a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-14938 Filed 5-26-78; 8:45 am]

[6320-01]

[Docket 32115]

BOISE-DENVER NONSTOP PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held commencing July 11, 1978, at 9:30 a.m. (local time) in the Governor's Suite, Room 704, of the Rodeway Inn of Boise, 29th and Chinden Boulevard, Boise, Idaho, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report, served on March 15, 1978, transcript of said prehearing conference and other documents which are in the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 23, 1978.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc. 78-14940 Filed 5-26-78; 8:45 am]

[1505-01]

[Order No. 78-5-75; Docket No. 32186]

BRITISH CALEDONIAN AIRWAYS, LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Correction

In FR Doc. 78-13432 appearing at page 21342 in the issue for Wednesday, May 17, 1978, insert the following text in the third column of page 21343 under the "Specimen Permit". It should go before the paragraph beginning "The exercise of the privileges * * *".

The initial tariff filed by the holder shall not set forth rates, fares and charges lower than those that may be in effect for any U.S. air carrier in the same foreign air

transportation; *However*, this limitation shall not apply to a tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of the United Kingdom of Great Britain and Northern Ireland for international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the United Kingdom of Great Britain and Northern Ireland shall be parties.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation of persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

[6320-01]

[Docket 31821]

DELTA AIR LINES, INC., SUBPART N PROCEEDING

Hearing

The hearing in the above-entitled proceeding will be held on June 28, 1978, at 10 a.m. in Room 1003, Hearing Room C, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., May 24, 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 78-14941 Filed 5-26-78; 8:45 am]

[6320-01]

[Order 78-5-145; Docket 30332; Agreement C.A.B. 27282; R-1 through R-15]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Issued under delegated authority May 24, 1978.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic Regulations between various U.S. and foreign member air carriers of the International Air Transport Association (IATA).

The agreement proposes a new structure of North Atlantic cargo rates for the period September 1, 1978 through September 30, 1979. Minimum charges would be increased from $31 to $33; general cargo rates would be increased by 10 cents per kg.; and container rates and specific commodity rates would be increased by 12 cents per kg. The agreement would adopt the open-rate filings made by IATA member carriers since the expiry of the last IATA North Atlantic agreement, with increases of 10-12 cents per kg.[1]

The purpose of this order is to establish dates for the submission of carrier justification in support of the agreement and of comments from interested persons. The carriers' justifications should set out, in the tabular format suggested in Order 75-7-88 (July 17, 1975), historical data as reported to the Board in Form 41 reports by functional account for total transatlantic services during the year ended March 31, 1978. This data should be adjusted to exclude market areas not covered by the agreement (e.g., the Mid Atlantic, Africa and internal German services) and all scheduled passenger and charter services in the North Atlantic market, so as to accurately present the economic status of scheduled cargo services in the North Atlantic. The carriers should also provide a forecast for the year ended September 30, 1979, assuming both present and proposed rates, which annualizes the proposed cost and revenue increases and adequately documents changes in costs and revenue impact. Finally, costs should be allocated between the passenger and cargo compartments of scheduled combination aircraft by the "space method" stipulated by the Board in the Nonpriority Mail Rates decision, Orders 70-4-9 and 70-4-10. Each carrier should provide complete explanatory notes and supporting detail, including statistical data, to describe the methods used in making the allocations.

Seaboard World Airlines, Inc., a non-IATA carrier, will be required to submit data similar to that required of the IATA carriers, since a full economic picture of U.S. carrier operations in the North Atlantic is necessary for the Board to make a proper evaluation of the agreement.

Accordingly, *it is ordered*, That:

1. All United States air carrier members of the International Air Transportation Association operating North Atlantic services shall file within 15 calendar days after the date of service of this order, full documentation and economic justification for the rates embodied in the subject agreement;

2. Seaboard World Airlines, Inc., shall file within 15 calendar days after the date of service of this order, data similar to that required of the IATA carriers;

3. Comments and objections from interested persons and parties shall be submitted within 21 calendar days after the date of service of this order;

4. Replies to submissions received in response to ordering paragraphs 1, 2 and 3 above shall be submitted within 30 calendar days after the date of service of this order; and

5. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement should not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-14939 Filed 5-26-78; 8:45 am]

[1]The open-rate filings include British Airways' U.K.-U.S. contract rates, TWA's flat charge container rates, various high weight-break specific commodity and freight-all-kinds (FAK) rates, and low specific commodity rates from the United Kingdom, Belgium and the Netherlands.

[3510-13]

DEPARTMENT OF COMMERCE

National Bureau of Standards

BUILDING TECHNOLOGY ADVISORY COMMITTEE

Notice of Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that a meeting of the Building Rehabilitation Subcommittee of the Building Technology Advisory Committee will be held on June 21, 1978, at the Department of General Services, City

of New York, Municipal Building, 18th floor conference room, Center Street, New York, N.Y. The meeting will convene on June 21, 1978, at 9:30 a.m.

The purpose of this meeting is to review issues relating to building rehabilitation and formulate for submission to the Building Technology Advisory Committee recommendations for the Bureau's building technology programs.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting.

Further information concerning this meeting may be obtained by contacting Samuel Kramer, National Engineering Laboratory, National Bureau of Standards, Building 225, Room A151, Washington, D.C. 20234, 301-921-3231.

Dated: May 19, 1978.

ERNEST AMBLER,
Director.

[FR Doc. 78-14824 Filed 5-26-78; 8:45 am]

[3510-13]

VOLUNTARY PRODUCT STANDARD ACTION ON PROPOSED WITHDRAWAL

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of Voluntary Product Standard PS 5-66, "Porcelain Enameled Formed Steel Plumbing Fixtures."

It has been determined that this standard is technically inadequate and that revision would serve no useful purpose because the subject matter of PS 5-66 is adequately covered by the American National Standard Institute's standard ANSI A112.19.4-77, "Porcelain Enameled Formed Steel Plumbing Fixtures." This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of March 31, 1978 (43 FR 13600), to withdraw this standard.

The effective date for the withdrawal of this standard will be July 31, 1978. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: May 24, 1978.

ERNEST AMBLER,
Director.

[FR Doc. 78-14882 Filed 5-26-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CLARIFYING THE STATUS OF COTTON, WOOL AND MAN-MADE FIBER APPAREL PRODUCTS EXPORTED FROM HONG KONG BEFORE JANUARY 1, 1978

MAY 25, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Permitting through May 31, 1978 entry for consumption into the United States of certain cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States before January 1, 1978. (2) Permitting through June 30, 1978 withdrawal from warehouse for consumption of certain cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States before January 1, 1978.

SUMMARY: On January 5, 1978 a letter dated December 30, 1977 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER (43 FR 993) which established an export visa requirement for cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States after December 31, 1977, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 8, 1977, as amended, between the Governments of the United States and Hong Kong. The letter of December 30, 1977 did not make clear the types of entry that were to be denied by the U.S. Customs Service, effective on June 1, 1978, for apparel products exported before January 1, 1978. Accordingly, there is published below a letter of May 25, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs clarifying the dates and types of entry which are to be permitted.

FOR FURTHER INFORMATION CONTACT:

Leonard A. Mobley, Director, Trade Analysis Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., *May 25, 1978.*
COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of December 30, 1977 from the Chairman of the Committee for the Implementation of Textile Agreements, which established an export visa requirement for certain cotton, wool and man-made fiber apparel products, produced or manfactured in Hong Kong and exported to the United States after December 31, 1977.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 8, 1977, as amended, between the Governments of the United States and Hong Kong; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, the final sentence of paragraph 2 of the directive of December 30, 1977 is hereby amended to read as follows:

> Cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States before January 1, 1978 shall be permitted entry for consumption into the United States through May 31, 1978. Withdrawals from warehouse for consumption of such goods shall be permitted through June 30, 1978.

The actions taken with respect to the Government of Hong Kong and respect to imports of cotton, wool and man-made fiber apparel products from Hong Kong have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-15107 Filed 5-26-78; 8:45 am]

[3510-25]

CLARIFYING THE STATUS OF CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS EXPORTED FROM THE REPUBLIC OF CHINA BEFORE JANUARY 1, 1978

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Permitting through May 31, 1978 entry for consumption into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of China and exported to the United States before January 1, 1978. (2) Permitting through June 30, 1978

withdrawals from warehouse for consumption of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of China and exported to the United States before January 1, 1978.

SUMMARY: On December 28, 1977, a letter dated December 22, 1977 was published in the FEDERAL REGISTER (42 FR 64728) announcing that under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 16, 1977, between the Governments of the United States and the Republic of China, as amended and extended, cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of China and exported to the United States before January 1, 1978, that have been visaed under the former textile category system would not be denied entry until June 1, 1978. The letter of December 22, 1977 did not make clear the types of entry that were to be denied by the U.S. Customs Service, effective on June 1, 1978, for cotton, wool and man-made fiber textile products exported from the Republic of China before January 1, 1978. Accordingly, there is published below a letter of May 25, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs clarifying the dates and types of entry which are to be permitted.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5423).

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

U.S. DEPARTMENT OF COMMERCE,

Washington, D.C., *May 25, 1978.*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of December 22, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements, that directed you, among other things, to permit entry until June 1, 1978, of cotton, wool and man-made fiber textile products, exported from the Republic of China before January 1, 1978 and visaed under the former textile category system.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 16, 1977, as amended and extended, between the Governments of the United States and the Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, the final sentence of paragraph 2 of the directive of December 22, 1977 is hereby amended to read as follows:

> Cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of China and exported to the United States before January 1, 1978, shall be permitted entry for consumption into the United States through May 31, 1978. Withdrawals from warehouse for consumption of such goods shall be permitted through June 30, 1978.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-15108 Filed 5-26-78; 8:45 am]

[3510-25]

CLARIFYING THE STATUS OF CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS EXPORTED FROM THE REPUBLIC OF KOREA BEFORE JANUARY 1, 1978

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Permitting through May 31, 1978 entry for consumption into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States before January 1, 1978.

(2) Permitting through June 30, 1978 withdrawals from warehouse for consumption of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States before January 1, 1978.

SUMMARY: On December 29, 1977, a letter dated December 23, 1977 was published in the FEDERAL REGISTER (42 FR 64919) announcing that under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, between the Governments of the United States and the Republic of Korea, cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States before January 1, 1978, that have been visaed under the former textile category system would not be denied entry until June 1, 1978. The letter of December 23, 1977 did not make clear the types of entry that were to be denied by the U.S. Customs Service, effective on June 1, 1978, for cotton, wool and man-made fiber textile products exported before January 1, 1978. Accordingly, there is published below a letter of May 25, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs clarifying the dates and types of entry which are to be permitted.

FOR FURTHER INFORMATION CONTACT:

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of December 23, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements, that directed you, among other things, to permit entry until June 1, 1978, of cotton, wool, and man-made fiber textile products, exported from the Republic of Korea before January 1, 1978, and visaed under the former textile category system.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, the final sentence of paragraph 2 of the directive of December 23, 1977 is hereby amended to read as follows:

> Cotton, wool and man-made fiber textile products, produced or manufacturted in the Republic of Korea and exported to the United States before January 1, 1978, shall be permitted entry for consumption into the United States through May 31, 1978. Withdrawals from Warehouse for consumption of such goods shall be permitted through June 30, 1978.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from Korea have been determined by the Committee for the Implementation of Textile Agreements

to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-15109 Filed 5-26-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Open Meeting

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Notice of meeting: Product Safety Advisory Council.

SUMMARY: This notice announces a meeting of the Product Safety Advisory Council (PSAC) on Monday, June 12, 1978, from 9:30 a.m. to 5 p.m., and Tuesday, June 14, 1978, from 9:30 a.m. to 4 p.m., in the Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

SUPPLEMENTARY INFORMATION: The Advisory Council was established by Section 28 of the Consumer Product Safety Act (CPSA), which provides that the Commission may consult with the Council before prescribing a consumer product safety rule or taking other action under the act.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Dee Wilson, Committee Management Officer, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, 202-634-7700.

AGENDA: The agenda includes the following items: recall effectiveness; options for CPSC action relative to comparative safety; pending regulatory matters, i.e., carcinogen policy; proposed ban on unvented space heaters; proposed regulation to ban benzene and the proposed safety standard for minature Christmas tree lights.

The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the Advisory Council should notify the Office of the Secretary (see Page 1) by June 5, 1978. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter and the amount of time requested.

Dated: May 23, 1978.

SADYE DUNN,
Acting Secretary.

[FR Doc. 78-14869 Filed 5-26-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP74-316]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition to Amend

MAY 16, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent Commission within the Department of Energy, was activated on October 1, 1977. The fuctions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

Take notice that on May 4, 1978, Michigan Wisconsin Pipe Line Co. (Petitioner), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP74-316 a petition to amend the FPC order issued July 7, 1977, in the instant docket, pursuant to section 7(c) of the Natural Gas Act so as to authorize the acquisition and development for underground natural gas storage of the South Chester 15 field located in Otsego County, Mich., Including the construction and operation of facilities incident thereto, in lieu of developing the Leonard field located in Oakland County, Mich., which Petitioner is presently authorized to develop, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that by the order issued July 7, 1977, is was authorized to acquire and develop for underground storage three depleted natural gas fields, the Muttonville, Capac, and Leonard, for the purpose of meeting the requirements of its distribution customers for winter service and providing long-term storage services for Natural Gas Pipeline Co. of America, Northern Natural Gas Co., and The Peoples Gas Light & Coke Co. When fully developed the three fields were projected to have an annual working storage capacity of approximately 46,000,000 Mcf and a peak day withdrawal capability at the end of the winter period (March 31) of 500,000 Mcf, of which 11,200,000 Mcf and 40,000 Mcf per day, respectively, were attributable to the ultimate storage operation of the Leonard field, it is indicated.

Petitioner indicates that the Muttonville field has been acquired, developed, and is now fully operational, and the Capac field has been acquired and is being developed. However, the acquisition of the Leonard field has been delayed, it is said. An agreement between Petitioner and Michigan Consolidated Gas Co. (Consolidated) dated May 30, 1974, provided that Consolidated would sell and assign its interest in the Leonard field to Petitioner when the field was depleted to 540,000 Mcf of remaining reserves, then estimated to occur by October 1, 1975; however, due to the production of larger than expected volumes of liquid hydrocarbon and related regulatory and operating problems, gas production has been intermittent and there still remains some 3,000,000 Mcf of reserves in the field, and it is estimated that the 540,000 Mcf level of reserves will not be achieved until the summer of 1981, with the earliest injection in the summer period of 1982, which is considerably beyond the time when Petitioner would require additional storage, it is stated.

Petitioner indicated that the South Chester field is presently available for development as a natural gas storage field and would provide 16,800,000 Mcf of working storage and a peak daily delivery rate of 200,000 Mcf. It is stated that it would be necessary to drill and complete seven new wells, rehablilitate the existing well, construct a gathering system, and install 6,000 horsepower of compression in order to develop the South Chester field. Furthermore, Petitioner proposes to construct and operate approximately 16 miles of 24-inch O.D. pipeline connecting the South Chester field with the existing pipeline system of Great Lakes Gas Transmission Co. (Great Lakes) so that Great Lakes, whose pipeline system is located in close proximity to the South Chester storage field, can transport the gas which Petitioner would inject into and withdraw from the South Chester field. Great Lakes has filed an application with the Commission requesting authorization to provide this transportation and exchange service, it is indicated.

Petitioner estimated that the total cost of acquisition and development of the South Chester field would be $25,371,830 (approximately $3,000,000 less than the costs attributable to the development of the Leonard field), which costs would be financed with treasury funds, retained earnings, and other funds generated internally, together with borrowings from banks under short-term lines of credit as may be required. Petitioner antici-

pates that any bank borrowings will subsequently be permanently financed as market conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intevene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14843 Filed 5-26-78; 8:45 am]

[6740-02]

[Docket No. ER78-370]

NORTHERN STATES POWER CO.

Interconnection and Interchange Agreement

MAY 19, 1978.

Take notice that Northern States Power Co. (Northern States), on May 12, 1978, tendered for filing an Interconnection and Interchange Agreement dated May 5, 1978, with Dairyland Power Cooperative.

Northern States indicates that the Agreement provides for interconnection between the parties at the Altura and NSP-DPC Adams Interconnection as designated on Exhibit A.

An effective date of June 15, 1978 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on May 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14844 Filed 5-26-78; 8:45 am]

[6740-02]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Proposed Changes in FERC Gas Tariff

MAY 19, 1978.

Take notice that North Penn Gas Co. (North Penn) on May 15, 1978, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective May 1, 1978.

North Penn states that the change in rates reflected in Substitute Fifty-Third Revised Sheet No. PGA—1 reflects a decrease of 0.896 cent per Mcf to the rates as submitted for Commission approval on March 6, 1978, in Fifty-Second Revised Sheet No. PGA-1.

The substitute tariff sheet is being filed in lieu of the rates filed on April 26, 1978, for effectiveness May 1, 1978, and reflects the change in rates as filed by Consolidated Gas Supply Corp. on May 5, 1978, for effectiveness May 1, 1978.

North Penn requests waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on May 1, 1978.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protect said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14845 Filed 5-26-78; 8:45 am]

[6740-02]

[Docket No. ER78-345]

TUCSON GAS & ELECTRIC CO.

Filing SCE-TGE 1978 Energy Agreement

MAY 9, 1978.

Take notice that Tucson Gas & Electric Co. ("TGE") on May 1, 1978, tendered for filing SCE-TGE 1978 Energy Agreement between TGE and Southern California Edison Co. ("SCE"). TGE states that the primary purpose of the Agreement is to provide terms and conditions relating to the sale of energy to SCE for resale during the period from May 15, 1978, through December 31, 1978. TGE states that copies of the filing were served upon SCE.

Any person desiring to be heard or to make any application with reference to said Agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14846 Filed 5-26-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 902-4]

SCIENCE ADVISORY BOARD, ECOLOGY COMMITTEE

Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Ecology Committee of the Science Advisory Board will be held on June 15 and 16, 1978, beginning at 9 a.m., in the Adminsitrator's Conference Room (Room 1101), Waterside Mall West Tower, 401 M Street SW., Washington, D.C.

This is the seventeenth meeting of the Ecology Committee. The agenda includes a report on Science Advisory Board activities; a briefing on the feasibility study of the possible containment or removal of Kepone contaminants in the James River; updates on the Shagawa Lake Project, Lake Eutrophication Survey, and Lake Restoration; presentation on the Agency's acid precipitation program and wetlands research program; discussion on the Total Watershed Ecosystem Study Plan; briefing on Municipal Waste Treatment Systems; member items of interest; and future Committee activities.

The meeting is open to the public. Any member of the public wishing to

attend, participate, or obtain information should contact Dr. J. Frances Allen, Executive Secretary, Ecology Committee, 703-557-7720.

Dated: May 23, 1978.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

[FR Doc. 78-14851 Filed 5-26-78; 8:45 am]

[6560-01]

[FRL 901-8]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE, SUBCOMMITTEE ON TOXIC SUBSTANCES

Open Meeting

Under Pub. L. 92-463, notice is hereby given that a 1-day meeting of the Subcommittee on Toxic Substances of the Science Advisory Board will be held on June 22, 1978 in Room 2117, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. The meeting will start at 10 a.m. on June 22, 1978.

The Subcommittee will be meeting for the third time, the purpose being to review elements of the health effects test standards proposed by the Office of Toxic Substances.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by close of business, June 19, 1978. Please ask for Mrs. Shirley Smith. The telephone number is 202-755-0263.

Dated: May 19, 1978.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

[FR Doc. 78-14852 Filed 5-26-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

APRIL 21, 1978.

CANADIAN LIST No. 373

Call letters	Location	Power kilowatts	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							No. of radials	Length (feet)	
		600 kHz							
CFQC[1]	Saskatoon, Saskatchewan, N. 52°06'43", W. 106°46'25".	10	DA-2	U	III				E.I.O. Apr. 21, 1979.
		800 kHz							
VOWR[2]	St. John's Newfoundland, N. 47°34'19", W. 52°45'14".	5D/2.5N	ND-*180*	U	II	200	120	492 ave	E.I.O. Apr. 21, 1979.
		850 kHz							
(New)[3]	Spaniard's Bay/Harbour Grace, Newfoundland, N. 47°39'21", W. 53°15'30".	10	DA-ND-D-576	U	II				E.I.O. Apr. 21, 1979.

[1]Change in nighttime directional radiation pattern, PO 5 kW, DA-N, NDD-D-175.
[2]PO 1 kW, ND-190.
[3]Either this proposal or the proposal in list 362 for a new station on 850 kHz at St. John's, Newfoundland, or both will subsequently be deleted.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc. 78-14778 Filed 5-26-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Docket No. 78-19]

A/S D/S SVENDBORG AND D/S af 1912 A/S v. MARYLAND PORT ADMINISTRATION

Filing of Complaint

Notice is hereby given that a complaint filed by A/S D/S Svendborg and D/S af 1912 A/S against Maryland Port Administration was served May 23, 1978. The complaint alleges that certain provisions of respondent's

Terminal Services Tariff No. 3 are unlawful and in violation of sections 16 and 17 of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before November 23, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 78-14935 Filed 5-26-78; 8:45 am]

[6730-01]

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 19, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3652.

Filing Party: Mr. David A. Schaller, Manager, Administration, Port Everglades Authority, P.O. Box 13136, Port Everglades, Fla. 33316.

Summary: Agreement No. T-3652, between Port Everglades Authority (Port) and Sea-Land Service, Inc. (Sea-Land), provides for the one-year lease of 5.85 acres of land in Hollywood, Florida, to be used in connection with the handling of containers. As compensation, Sea-Land will pay $3,858.85 per month (based on land rental and a percentage of improvements on the land) plus applicable taxes. Thirty days after Port has received combined revenues of $71,658.41 (which include land rent, vessel dockage and cargo wharfage) and for each succeeding month, Port will refund that month's land rent. Sea-Land has an option to expand operations to include an additional two acres of land. Agreement No. T-3652 will supersede Agreement No. T-3457 between the same parties.

Agreement No. 8080-15.

Filing Party: Mr. Wade S. Hooker, Jr., Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement No. 8080-15, entered into among the member lines of the Atlantic and Gulf-Indonesia Conference, modifies the basic agreement by the addition of Article 25 which reads as follows:

25. The Conference may share office space, equipment, personnel, administrative and related facilities with any other conference(s) and/or rate agreement(s).

Agreement No. 8240-12.

Filing Party: Mr. Wade S. Hooker, Jr., Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement 8240-12, entered into among the member lines of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference modifies the preamble to the basic agreement to update the names of the countries within the scope of the agreement and by the addition of Article 25 which reads as follows:

25. The Conference may share office space, equipment, personnel, administrative and related facilities with any other conference(s) and/or rate agreement(s).

Agreement No. 10333.

Filing Party: Mr. William L. Hamm, 25 Broadway, New York, New York 10004.

Summary: Agreement 10333 is a revenue pooling arrangement entered into by Farrell Lines, Inc., Cunard-Brocklebank Ltd., The Scindia Steam Navigation Co., Ltd., The Shipping Corporation of India Ltd., Waterman Isthmian Line, and Hellenic Lines Ltd., (all of whom are members of the Calcutta, East Coast of India and Bangladesh/U.S.A. Conference, Agreement No. 8650), applicable generally to the transportation of cargoes by them from Calcutta and ports of Bangladesh to U.S. Atlantic and Gulf ports.

By order of the Federal Maritime Commission.

Dated: May 24, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14932 Filed 5-26-78; 8:45 am]

[6730-01]

AGREEMENTS FILED

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and San Juan, P.R. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by June 9, 1978. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Agreements Nos. 10334, 10335, 10336, 10337, 10338, 10339, 10340.

Filing party: F. A. Wendt, Senior Vice President, Traffic and Sales, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

Summary: Agreement No. 10334 is an agency agreement whereby Delta Steamship Lines, Inc. (Delta) appoints Peabody & Lane, Inc. to act as its husbanding agent at the ports of Boston, Mass. and Searsport and Portland, Maine; Agreement No. 10335 is an agency agreement whereby Delta appoints Goff & Page, Co. to act as its husbanding agent at the ports of Providence, R.I., Fall River and New Bedford, Mass., and New Haven and New London, Conn.; Agreement No. 10336 is an agency agreement whereby Delta appoints Cilco Terminal Co. to act as its husbanding agent at the ports of Bridgeport and Byram, Conn.; Agreement No. 10337 is an agency

agreement whereby Delta appoints Eller & Co., Inc. to act as its husbanding agent at all ports of Florida except Miami, Pensacola, Port St. Joe and Panama City; Agreement No. 10338 is an agency agreement whereby Delta appoints Freedman & Slater, Inc. to act as its husbanding agent at the port of Albany, N.Y.; Agreement No. 10339 is an agency agreement whereby Delta appoints Southeastern Maritime Co. to act as its husbanding agent at the ports of Charleston, Georgetown and Port Royal, S.C., Wilmington, Sunny Point and Moorehead City, N.C., and Brunswick and Savannah, Ga.; and Agreement No. 10340 is an agency agreement whereby Delta appoints Ramsey, Scarlett & Co., Inc. to act as its husbanding agent at the ports of Baton Rouge, Burnside and Allen, La., Baltimore, Md., and Norfolk and Newport News, Va. The above-named agents are appointed to act under the terms and conditions and to the extent set forth in the respective agreements.

By Order of the Federal Maritime Commission.

Dated: May 24, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14933 Filed 5-26-78; 8:45 am]

[6730-01]

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by June 9, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 10039-6.

Filing Party: Mr. Fred A. Wendt, Senior Vice President, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

Summary: Agreement No. 10039-6, between Delta Steamship Lines, Inc. and Empress Lineas Maritimas Argentinas S.A., modifies the basic cargo revenue pooling, sailing and equal access agreement in the United States Gulf/Argentina trades by incorporating therein provisions for the admission of additional U.S. flag or Argentine flag carriers, and extending the basic agreement, so modified, through August 31, 1978.

By Order of the Federal Maritime Commission.

Dated: May 24, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14934 Filed 5-26-78; 8:45 am]

[6730-01]

[Docket No. 78-18]

I.T.O. CORP. OF BALTIMORE v. MARYLAND PORT ADMINISTRATION

Filing of Complaint

Notice is hereby given that a complaint filed by I.T.O. Corp. of Baltimore against Maryland Port Administration was served May 22, 1978. The complaint alleges that certain provisions of respondent's Tariff No. 3 which purport to exculpate respondent from the consequences of its own fault or negligence are invalid and unlawful and in violation of the Shipping Act, 1916, Title 46 U.S.C. 814-817.

Hearing in this matter, if any is held, shall commence on or before November 22, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14937 Filed 5-26-78; 8:45 am]

[6730-01]

[Docket No. 78-17]

JOHN T. CLARK & SON OF MARYLAND, INC. v. MARYLAND PORT ADMINISTRATION

Filing of Complaint

Notice is hereby given that a complaint filed by John T. Clark & Son of Maryland, Inc. against Maryland Port Administration was served May 22, 1978. The complaint alleges that certain provisions of respondent's Tariff No. 3 which purport to exculpate respondent from the consequences of its own fault or negligence are unlawful and invalid as violative of the Shipping Act, 1916, Title 46 U.S.C. 814-817.

Hearing in this matter, if any is held, shall commence on or before November 22, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14936 Filed 5-26-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

INFORMATION AND DATA ACQUISITION ACTIVITY

Collection: Opportunity for Comments

Correction

In FR Doc. 78-14224 appearing on page 21738 in the issue of Friday, May 19, 1978, in the middle column, the 4th paragraph, the 2nd sentence should have read, "Comments should refer to the form number and must be received on or before June 19, 1978.".

[4110-08]

REPORT ON BIOASSAY OF B-TGdR FOR POSSIBLE CARCINOGENICITY

Availability

Beta-2'-deoxy-6-thioguanosine monohydrate (B-TGdR) (CAS 789-61-7) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of beta-2'-deoxy-6-thioguanosine monohydrate

(B-TGdR) for possible carcinogenicity was conducted by administering the test chemical by intraperitoneal injection to Sprague-Dawley rats and B6C3F1 mice.

Groups of 35 rats of each sex were administered B-TGdR in a buffered saline and polysorbate 80 vehicle at one of two doses, either 3.5 or 7 mg/kg body weight, three times per week for 52 weeks, then observed for an additional 26 weeks. Controls consisted of groups of 10 rats of each sex, which were either administered the vehicle alone (matched vehicle controls) or were untreated (matched untreated controls). Pooled controls consisted of the matched vehicle controls of each sex from the current bioassay, combined with 20 corresponding vehicle controls of each sex from similar bioassays of two other test chemicals. All surviving rats were killed at 78 or 79 weeks.

Groups of 35 mice of each sex were administered the chemical in a buffered saline and polysorbate 80 vehicle at one of two doses, either 2 or 4 mg/kg, three times per week for 52 weeks, then observed for periods of up to 27 weeks, depending on length of survival. Because of severe toxicity at the high dose, resulting in loss of all mice by week 12 (males) or week 25 (females), additional groups of 35 mice of each sex were administered 1 mg/kg on the same schedule. Controls consisted of groups of 15 mice of each sex, which were either administered the vehicle or were untreated. Pooled controls consisted of groups of 15 vehicle-control animals of each sex from studies using the doses of 2 or 4 mg/kg, combined with corresponding groups of 15 vehicle-control animals of each sex from the study using the dose of 1 mg/kg.

B-TGdR was toxic to rats at the doses used in this study. Mean body weights of the high- and low-dose rats of both sexes were lower than those of the corresponding vehicle controls throughout the study. There was also severe early mortality in the high-dose groups of both sexes and positive dose-related trends in mortality over the period of the bioassay. However, 66 percent of the low-dose males and 77 percent of the low-dose females survived until termination of the study.

In mice, B-TGdR was toxic at the doses originally selected. Mean body weights were not consistently affected; however, at the high dose only three males and seven females lived past week 7, and all were dead by week 25. In the mid-dose group, only 14 percent of the males and 6 percent of the females survived until termination of the study at week 79; in the low-dose group, the survival rate was 31 percent for the males and 29 percent for the females.

Because of the high mortality, time-adjusted statistical analyses were performed for both rats and mice.

It is concluded that under the conditions of this bioassay, the low survival of the dosed and vehicle-control groups of mice, as well as a possible procedural problem that may have affected the incidences of tumors in these groups, does not allow a determination to be made of the carcinogenic potential of B-TGdR in this species. B-TGdR in the vehicle of 0.05 percent polysorbate 80 was, however, carcinogenic in rats, producing carcinomas of the ear canal in the females and possibly also in the males.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: May 22, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 78-14746 Filed 5-26-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF N,N'-DICYCLOHEXYLTHIOUREA FOR POSSIBLE CARCINOGENICITY

Availability

N,N'-Dicyclohexylthiourea (CAS 1212-29-9) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of N,N'-dicyclohexylthiourea for possible carcinogenicity was conducted by administering the test chemical in feed to Fischer 344 rats and B6C3F1 mice.

Groups of 50 rats and 50 mice of each sex were administered N,N'-Dicyclohexylthiourea at one of two doses, either 25,000 or 50,000 ppm, for 109 weeks for rats or 104 weeks for mice. Matched controls consisted of 50 untreated rats or 50 untreated mice of each sex.

Mean body weights of male rats and male mice were unaffected by the compound, whereas mean body weights of the females of each species showed mild dose-related retardation over the bioassay period, when compared with the matched controls. Survival was sufficient to termination of the study in all groups of both rats and mice for the development of late-appearing tumors.

An increase in proliferative lesions of the follicular cells of the thyroid was associated with the administration of N,N'-dicyclohexylthiourea in both Fischer 344 rats and B6C3F1 mice. However, because statistical significance was not achieved and because thyroid tumors are not rare spontaneous lesions in these strains of animals and occur with a variable incidence, it is concluded that under the conditions of this bioassay N,N'-dicyclohexylthiourea was not demonstrated to be carcinogenic in either species.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: May 22, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 78-14745 Filed 5-26-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Section 10(a)(2).

DATE: June 15, 1978, 9 a.m. to 10 p.m.; June 16, 1978, 8 a.m. to 5 p.m.; June 17, 1978, 8:30 a.m. to 3 p.m.

ADDRESS: Sixth Avenue Motor Hotel, 2000 6th Avenue, Seattle, Wash., on June 15 and June 17; North Seattle Community College, Highway 99, Seattle, Wash. on June 16.

FOR FURTHER INFORMATION CONTACT:

Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th Street NW., Washington, D.C. 20004, 202-376-8892.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the congress together with his comments and recommendations.

The meeting of the council shall be open to the public. The proposed agenda includes:

Urban policy and adult education.
Executive committee meeting.
The community/junior college system for delivery of adult education program services.
Election of officers.
Annual report.
USOE report.
Standing committee reports.

Records shall be kept of all council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C. on May 24, 1978.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc. 78-14865 Filed 5-26-78; 8:45 am]

[4110-12]

Office of the Secretary

OFFICE OF GRANT AND CONTRACT FINANCIAL MANAGEMENT

Statement of Organization, Functions and Delegations of Authority

This notice amends Part A of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Secretary, by revising Chapter AMG, Office of Grants and Procurement 39 FR 3708, 1-29-74, 39 FR 29610, 8-14-74, and 42 FR 36312, 7-14-77. This notice adds to Section AMG.00 Mission a new function (7); it revises Section AMG.10 to show the title of the new organization; it revises Section AMG.20A to add a new paragraph 15; and it revises AMG.20 subparagraph I in its entirety.

The Chapter changes read as follows:

Section AMG.00 Mission.

Add: (7) Resolves audit findings concerning grantee/contractor systems and record keeping deficiencies which affect awards made by more than one Principal Operating Component (POC), health agency, or education agency (hereafter referred to as agency). Formulates policies and procedures governing the resolution of audit findings by POCs.

Section AMG.10 Organization.

Delete: Division of Financial Management Standards and Procedures (AMG.7).

Substitute: Office of Grant and Contract Financial Management (AMG.7).

Section AMG.20.

Add to AMG.20A a new paragraph 15:

15. Resolves audit findings concerning grantee/contractor systems and record keeping deficiencies which affect awards made by more than one agency. Formulates policies and procedures governing the resolution of audit findings by POCs.

Delete present Section AMG.20 subparagraph I and insert in its place:

Office of Grant and Contract Financial Management

1. Formulates Department-wide, and recommends Government-wide, policies and procedures for determining and reimbursing the costs of grantee/contractor institutions. Formulates policies and procedures on the review and negotiation of indirect costs and similar cost allocations; performs such functions for other Federal agencies as delegated by the Office of Management and Budget.

2. Resolves audit findings concerning deficiencies in grantee/contractor management and record keeping systems which affect awards made by more than one agency. Recommends to the Secretary, or a special Secretarial Board, or other designee, appropriate actions against an institution when necessary to protect the interests of the Department. Provides or arranges for technical assistance to grantees and contractors in overcoming serious financial management problems.

3. Formulates policies and procedures, and provides guidance, to POCs governing the resolution of audit findings on the administration of grants and contracts. With the Office of the Inspector General, exercises oversight of POC resolution of such audit findings.

4. Exercises functional management responsibilities over indirect cost and cost allocation negotiations performed by the Divisions of Cost Allocation in the several Regional Administrative Support Centers.

5. Serves as the Departmental liaison with, and provides recommendations to, the Office of Management and Budget, the General Services Administration, the Cost Accounting Standards Board, and other Federal agencies on the development of Government-wide financial management policies related to the administration of grant/contract programs. Represents the Department in the development of these policies.

6. Conducts and participates in studies of the financial management practices of grantees/contractors and the Department in selected sensitive or troublesome areas to identify the needs for new policies, policy changes, guidelines, etc. to overcome problems in these areas.

7. Formulates policies and procedures aimed at assuring that grantees/contractors have the financial management capability necessary to administer HEW awards. Develops guides and manuals aimed at helping grantees/contractors strengthen their financial management capabilities.

8. Evaluates and approves or disapproves policies developed by POCs to implement Department cost and audit resolution policies.

9. Provides training and assistance to POCs and regional offices in implementing Department-wide and Government-wide financial management policies.

Dated: May 20, 1978.

LEONARD D. SCHAEFFER,
Assistant Secretary for Management and Budget.

[FR Doc. 78-14866 Filed 5-26-78; 8:45 am]

[4110-12]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part S (formerly part 4) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). That portion of the SSA Statement pertaining to the Mission, Organization, Order of Succession and Functions of the Bureau of Hearings and Appeals (BHA), as previously described in sections SG.00, SG.10 and SG.20 (formerly included in sections 4-06-00 through 4-06-20 of 40 FR 36612-13 dated August 21, 1975, and 42 FR 25535 dated May 18, 1977) is hereby revised to reflect organizational and functional changes, including: the establishment of a separate Office of the Chief Administrative Law Judge as an entity distinct from the Office of the Bureau Director; the abolishment of the Office of the Assistant Bureau Director, Administration; the establishment of an Office of the Associate Bureau Director for Management Operations; the establishment of four divisions within the Office of the Associate Bureau Director for Management Operations; the inclusion of the Executive Secretariat and the Congressional and Public Inquiry Staff in the Office of the Bureau Director; the consolidation of the Medical Advisory Staff and Appeals Council and the transfer of the Medical Advisory Staff's medical con-

tracting function to the Office of the Associate Bureau Director for Management Operations; the transfer of the BHA appraisal function to the Office of the Associate Bureau Director for Management Operations; the transfer of the Vocational Consultant Program functions from the Division of Appeals Operations to the Office of the Associate Bureau Director for Management Operations; and the addition of management and administrative responsibilities for field operations to the Office of the Associate Bureau Director for Management Operations.

The revised material reads as follows:

Section SG.00—*Bureau of Hearings and Appeals*—(Mission) The Bureau of Hearings and Appeals (BHA), directs and administers the hearings and appeals process for SSA. It directs a nationwide field hearings organization staffed with Administrative Law Judges who conduct impartial hearings and make decisions on appealed determinations involving retirement, survivors, disability and health insurance benefits; black lung benefits; and supplemental security income. BHA also performs central reviews of decisions by Administrative Law Judges which are appealed by a claimant or reopened on the motion of the Appeals Council and renders the Secretary's final decision on such cases.

Section SG.10—*Bureau of Hearings and Appeals*—(Organization) The Bureau of Hearings and Appeals, under the leadership of the Director of the Bureau of Hearings and Appeals consists of the:

A. Director of the Bureau of Hearings and Appeals

B. Immediate Office of the Bureau Director, which includes the:

1. Deputy Bureau Director
2. Executive Secretariat
3. Congressional and Public Inquiry Staff

C. Appeals Council

D. Office of the Chief Administrative Law Judge

E. Office of the Associate Bureau Director for Management Operations

1. Immediate Office of the Associate Bureau Director
2. Division of Administrative Coordination
3. Division of Appraisal
4. Division of Management Coordination
5. Division of Field Management

F. Division of Appeals Operations

G. Division of Policy and Procedure

H. Office of the Regional Chief Administrative Law Judge (located in each of SSA's ten geographical regions nationwide).

Section SG.20—*Bureau of Hearings and Appeals*—(Functions)

A. *The Director of the Bureau of Hearings and Appeals:*

1. The Director of the Bureau of Hearings and Appeals is directly responsible to the Commissioner of Social Security for the performance of BHA's mission and provides general supervision to the principal components of BHA.

2. During the absence or disability of the Director of the Bureau of Hearings and Appeals, or in the event of a vacancy in this position, the Deputy Bureau Director shall act as Bureau Director.

3. In the event of the absence or disability of both the Bureau director and the Deputy Bureau Director, a BHA executive, designated by the Bureau Director, shall serve as acting Bureau Director.

4. Shall both the positions of Bureau Director and Deputy Bureau Director become vacant, an SSA official designated by the Commissioner of Social Security shall serve as acting Bureau Director.

B. *The Immediate Office of the Bureau Director* assists the Bureau director with the full range of his responsibilities and handles such other assignments as he may prescribe.

1. *The Deputy Bureau Director* assists the Bureau Director in carrying out his responsibilities and performs such other duties as may be prescribed.

2. *The Executive Secretariat:*

a. Maintains liaison and coordination between the Office of the Bureau Director and major Bureau components.

b. Coordinates, clears, and reviews completed staff work on action memoranda directed to the Bureau Director.

c. Controls the Bureau Director's correspondence, assigning action on incoming correspondence, and developing information on action requests to the Bureau Director.

d. Coordinates and/or prepares briefing materials for meetings attended by the Bureau Director.

3. *Congressional and Public Inquiry Staff:*

a. Prepares and/or reviews Bureau responses to congressional and public inquiries and correspondence.

b. Evaluates Bureau central office correspondence for conformance with Bureau standards, policies and procedures.

c. Provides Bureau level guidance and liaison on correspondence management.

d. Determines when inquiries represent implied requests for hearings or reviews and assures that such requests are directed to the appropriate Bureau component.

C. *The Appeals Council:*

1. Reviews decisions of Administrative Law Judges involving retirement, survivors, disability and health insurance benefits, and supplemental security income, under the provisions of titles II, XVI, and XVIII of the Social Security Act, as amended; and disability and survivors benefits under Part B of title IV and related provisions of the Federal Coal Mine Health and Safety Act of 1969, as amended (the "Black Lung" Act) on the motion of appellants or on its own motion.

2. Examines case records, obtains additional evidence and renders written decisions or orders which are the Secretary's final decisions/orders; or remands cases to Administrative Law Judges.

3. Determines and recommends action concerning decisions appealed to the courts.

4. Obtains additional evidence and prepares supplemental decisions on remanded cases, and recommends whether appeals should be taken to higher courts on judicial reversals of the Secretary's decisions.

5. Directs the medical advisory services program for BHA components in the evaluation of disability, health insurance and supplemental security income cases under the provisions of titles II, XVI, and XVIII of the Social Security Act as amended, and disability and survivors cases under the "Black Lung" Act.

6. Provides guidance in the effective utilization of medical advisors throughout BHA and participates in the formulation of medical policies used in the evaluation of disability, health insurance, supplemental security income, and black lung benefits.

7. Maintains liaison with medical groups to promote program understanding and to keep abreast of disability evaluation developments and changes in health insurance regulations.

D. *The Office of the Chief Administrative Law Judge:*

1. Provides professional leadership to the nationwide corps of Administrative Law Judges and Regional Chief Administrative Law Judges.

2. Serves as the focal point of communications between the Office of the Bureau Director and the Administrative Law Judges.

3. Directs a professional staff engaged in maintaining close contact with the field hearings organization to obtain and assess the views of Administrative Law Judges on hearings operations.

E. *The Office of the Associate Bureau Director for Management Operations:*

1. *The Immediate Office of the Associate Bureau Director:*

a. Serves as the principal official within the Bureau of Hearings and Appeals for all matters concerning the management and administration of Bureau program operations, for the Bureau's Central Office components, and field network of ten regional offices and 130 hearing offices in locations throughout the United States.

b. Is accountable for the planning, development, coordination, implemen-

tation, and efficient operations of a total program of administrative management for the Bureau of Hearings and Appeals including appeals operations; contracting for vocational and medical consultants; financial management (the operating budget is in excess of $100,000,000); personnel management (the workforce is in excess of 4,000); management analysis; management information systems; program quality review and appraisal; field management support; and all matters associated with facilities and facilities management services.

c. Appraises overall accomplishment of the Bureau's assigned mission and functions in terms of efficient, effective and economical planning, operations, procedures and achievements.

d. Provides executive leadership, guidance, direction, coordination, and control over management programs to effect and assure balanced, total, and effective administrative support of Bureau programs and functions.

e. Participates in considering broad aspects of questions, issues, policies, plans, and program emphasis affecting administration of the hearings and appeals program and related SSA programs. Shares in overall program formulation and planning and evaluation of Bureau operations, and in making recommendations for changes in legislation, regulations, and policies.

f. Plans, develops, implements, and administers a positive meaningful equal employment opportunity program within the Bureau.

g. Exercises authority, at the direction of the Bureau Director, through formally established reporting relationships, not only for analysis, study, and evaluation of program operations, but as well, for direct intervention into all operating Bureau components, both field and Central Office, for the purpose of increased productivity, improved management data, and rationalized work assignments.

h. Provides BHA leadership and guidance on matters pertaining to psychological, vocational, educational, and related factors having a bearing on work capacity.

2. *The Division of Administrative Coordination:*

a. Plans, develops, and administers BHA's personnel management program, including: recruitment and placement; position classification; incentive awards; employee services; labor-management relations; employee development and training programs.

b. Plans and directs BHA administrative support activities, including: space; forms and records; property management; procurement and supply; security; equipment control and maintenance; preparation of visual aids; and mail/messenger services.

c. Receives records and indexes; and maintains claims and hearings materials.

d. Plans and executes a program establishing requirements for and complying with established occupational health and safety concepts, regulations, standards and procedures.

3. *The Division of Appraisal:*

a. Performs a continuing appraisal of the progress being achieved throughout BHA in meeting basic objectives.

b. Conducts a Bureauwide program of appraisals and studies necessary for maintaining an ongoing assessment of overall BHA performance.

c. Recommends action for implementation or further study by other BHA components.

d. Plans, develops, and implements a Bureauwide quality assurance program.

4. *The Division of Management Coordination:*

a. Plans and directs BHA's management analysis program, which includes the design, development, implementation, and appraisal of management policies and programs; and researches management techniques and technological developments having possible utility for BHA.

b. Directs BHA's operational and management information systems planning programs; assures effective coordination of the BHA management information system with the SSA system; and maintains a case control and statistical reporting system on the adjudication process.

c. Plans, develops and coordinates BHA's financial management program, and provides financial guidance and control in the areas of: budget formulation and execution; work measurement and workload forecasting; pay and travel; position control; contract services; and fiscal operation.

5. *The Division of Field Management:*

a. Coordinates the management of resources supporting field activities.

b. Conducts management reviews of regional and hearing offices, maintaining liaison with Regional Chief Administrative Law Judges and their representatives on management and administrative matters.

c. Represents the interests of field management in Central Office deliberations and in liaison with other SSA and HEW components.

d. Establishes procedures and directs activities to improve and enlarge the system of consultation and communication between the field and Central Office, BHA.

F. *The Division of Appeals Operations:*

1. Provides advice and assistance to the Appeals Council on the adjudication of cases.

2. Reviews the decisions of Administrative Law Judges to assist the Appeals Council in deciding whether to assume jurisdiction.

3. Analyzes cases and recommends action to the Appeals Council on appealed claims and litigated cases, and prepares documents required to implement the action decided upon by the Appeals Council.

4. Identifies and analyzes problem areas and recommends improvements in the appeals process.

5. Reviews and analyzes fee petitions from attorneys and representatives of claimants for the provision of services at the hearing level, and authorizes payments of appropriate fees in those cases where fees recommended by Administrative Law Judges exceed their delegated authority, and in all cases at the Appeals Council level.

G. *The Division of Policy and Procedure:*

1. Plans, analyzes, and develops BHA-wide policy and procedural guidelines pertaining to the hearings process as performed in hearings offices.

2. Plans, analyzes, and develops policy and procedural guidelines pertaining to the Appeals Council's review processes, civil actions processes, and support staff.

3. Provides an effective system for communicating hearings and appeals policies and procedures, through the issuance of manuals and directives that assure consistent and efficient operations in the best interests of service to the public; and develops and maintains substantive publications, informational material, references, and forms relative to the hearings and appeals process.

4. Reviews current and developing trends in administrative law; analyzes policy recommendations; and develops long-range and short-range hearings and appeals policy plans.

5. Provides advice and guidance throughout BHA on matters involving program policies and procedures.

6. Coordinates policy and procedural matters within BHA and with other SSA components; the Office of the General Counsel; other HEW components; other Federal agencies; and, where appropriate, with private organizations.

H. *The Office of the Regional Chief Administrative Law Judge:*

1. Represents the Bureau Director at the regional level with respect to all matters pertaining to the hearings process.

2. Plans, organizes, and administers a regional program for scheduling and conducting independent and impartial hearings on appealed determinations involving claims for retirement, survivors, disability and health insurance benefits, and supplemental security income, under the provisions of titles II, XVI, and XVIII of the Social Security Act, and disability and survivors benefits under the Black Lung Act.

3. Provides substantive guidance and administrative direction and leader-

ship to Administrative Law Judges and their staffs.

4. Coordinates operations and administrative activities with the HEW Principal Regional Officials' Offices; other SSA components; State agencies; and other parties, as required.

Dated: May 19, 1978.

LEONARD D. SCHAEFFER,
Assistant Secretary for Management and Budget.

[FR Doc. 78-14867 Filed 5-26-78; 8:45 am]

[4310-03]

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 19, 1978. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by June 9, 1978.

WILLIAM J. MURTAGH,
Keeper of the National Register.

CALIFORNIA

Fresno County

Cedar Grove vicinity, *Knapp Cabin*, W of Cedar Grove in Kings Canyon National Park.

CONNECTICUT

Litchfield County

Litchfield, *Litchfield Historic District*, CT 25 and CT 63.

Tolland County

Rockville, *Florence Mill*, 121 W. Main St.

GUAM

Guam Naval Station, *Japanese Submarine*, off Marine Dr.
Guam Naval Station, *Orote Historical Complex*, Orote Point.
Inarajan vicinity, *Malolos Site*, N of Inarajan.
Santa Rita vicinity, *Bona Site*, SE of Santa Rita off Lower Harmon Rd.
Santa Rita vicinity, *Mount Tenjo Fortifications*, NE of Santa Rita off GU 1.
Talofofo vicinity, *Yokoi's Cave*, SW of Talofofo.

HAWAII

Kauai County

Kilauea vicinity, *Kilauea Point Lighthouse*, N of Kilauea.

IDAHO

Idaho County

Lowell vicinity, *Boulder Creek Archeological Complex*, 30 mi. (48 km) E of Lowell in Clearwater National Forest.
Lowell vicinity, *O'Hara Bar Site*, S of Lowell in Nez Perce National Forest.

KENTUCKY

Henry County

New Castle vicinity, *Ricketts, Robert, House*, N of New Castle off U.S. 421.

Jefferson County

Louisville, *Clover Hill*, 2618 Dixie Hwy.

Logan County

Russellville, *Long-Briggs House*, Cornelius Ave.

Mason County

Maysville, *Phillips' Folly*, 227 Sutton St.

Warren County

Bowling Green, *Underwood-Jones House*, 506 State St.

MAINE

Washington County

Columbia Falls, *Bucknam, Samuel, House*, U.S. 1.

MISSISSIPPI

Jefferson County

Church Hill vicinity, *Woodland Plantation*, S of Church Hill on MS 533.

Lowndes County

Columbus, *Snowdoun*, 906 3rd Ave. N.

MONTANA

Fergus County

Lewistown, *St. Joseph's Hospital*, U.S. 87.

NEBRASKA

Adams County

Hastings, *Chautauqua Pavilion*, Chautauqua Park.

NEW JERSEY

Bergen County

Leonia, *Civil War Drill Hall and Armory*, 130 Grand Ave.

Essex County

Newark, *Second Reformed Dutch Church*, 178-184 Edison Pl.
Newark, *Symington House*, 2 Park Pl.

Hudson County

Hoboken, *Seamen's Mission*, 60-64 Hudson St.

Hunterdon County

Lambertville, *Lambertville House*, 32 Bridge St.

Morris County

Morristown vicinity, *Fordville*, E of Fordville at 30 Ford Hill Rd.
Parsippany vicinity, *Howell, Benjamin, Homestead*, 709 S. Beverwyck Rd.

Somerset County

Plainfield vicinity, *Smalley-Wormser House*, W of Plainfield at 84 Mountain Ave.

Union County

Elizabeth, *Belcher-Ogden House*, 1046 E. Jersey St.

NEW MEXICO

Dona Ana County

Rincon vicinity, *Rincon Petroglyphs Site*, N of Rincon.

NEW YORK

Albany County

Albany, *Young Men's Christian Association Building*, 60-64 N. Pearl St.

New York County

New York, *South Street Seaport Historic District*, roughly bounded by East River, Brooklyn Bridge, Fletcher Alley, Pearl and South Sts. (boundary increase)

Ontario County

Phelps, *St. John's Episcopal Church*, Church St.

Otsego County

Gilbertsville, *Tianderah*, off NY 51.

NORTH DAKOTA

Benson County

Minnewaukan, *Benson County Courthouse*, B Ave.

Williams County

Ray, *Ray Opera House*, 111 Main St.

OKLAHOMA

Cleveland County

Norman, *Norman Historic District*, 105 W. Main and 100-232 E. Main St.

TENNESSEE

Blount County

Maryville, *Thompson-Brown House*, 1005 Tuckaleechee Pike.

Davidson County

Nashville, *Mechanical Engineering Hall, Vanderbilt University*, Grand and 21st Aves.
Nashville, *Robincroft*, 746 Benton Ave.

Knox County

Knoxville, *Fire Station No. 5*, 419 Arthur St., NW.

Maury County

Columbia, *Church House*, 312 W. 7th St.
Columbia, *State Bank of Tennessee*, 201 W. 7th St.

TEXAS

Calhoun County

Port O'Connor vicinity, *Matagorda Lighthouse*, W side of Cavallo Pass.

Dallas County

Lancaster, *Strain, W. A., House,* 400 E. Pecan St.

WEST VIRGINIA

Brooke County

Wellsburg, *Brooke County Courthouse,* Main and 7th Sts.

Hardy County

Mathias, *Mathias, John, House,* WV 259.

Jefferson County

Charles Town, *New Opera House,* 200-204 N. George St.

Kanawha County

Belle, *Shrewsbury, Samuel Sr., House,* 310 Stubb Dr.

Charleston, *Kanawha County Courthouse,* Virginia and Court Sts.

Ohio County

Wheeling, *Mount de Chantal Visitation Academy,* Washington Ave.

Randolph County

Helvetia, *Helvetia,* SR 45 and 46.

WISCONSIN

Columbia County

Merrimac vicinity, *Durward's Glen,* NE of Merrimac off WI 78.

Iowa County

Linden, *Linden Methodist Church,* Main and Church Sts.

Walworth County

Lake Geneva, *Lake Geneva Depot,* Broad St.

[FR Doc.78-14570 Filed 5-26-78; 8:45 a.m.]

[4310-03]

Office of the Secretary

[INT DES 78-17]

PROPOSED ADDITION OF A SEGMENT OF THE OWYHEE RIVER IN IDAHO AND OREGON TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed new addition to the National Wild and Scenic Rivers System and invites written comment within forty-five (45) days of this notice.

The draft environmental statement considers a 192-mile segment of the Owyhee River, from the boundary of the Duck Valley Indian Reservation in Idaho, downstream to slack water of the Owyhee Reservoir in Oregon, which has been recommended for inclusion in the National Wild and Scenic Rivers System. The Bureau of Land Management would administer two sections totaling 178 miles and the State of Oregon one section of 14 miles.

Copies are available for inspection at the following locations:

Oregon State Clearinghouse, 306 State Library Building, Salem, Oreg. 97310.

Idaho State Clearinghouse, Room 122, Statehouse, Boise, Idaho 83720.

Heritage Conservation and Recreation Service, Room 242, South Building, Department of the Interior, Washington, D.C. 20240.

Regional Director, Heritage Conservation and Recreation Service, 915 Second Avenue, Room 990, Seattle, Wash. 98174.

A limited number of copies are available and may be obtained by writing to the Regional Director at the above address.

Dated: May 9, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant,
Secretary of the Interior.

[FR Doc. 78-14825 Filed 5-26-78; 8:45 am]

[4310-02]

[INT FES 78-10]

VEKOL HILLS PROJECT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Vekol Hills Project, a proposed open pit copper and molybdenum mine on the Papago Indian Reservation, Pinal County, Ariz. Mining and related activities will be conducted under the terms of mineral and surface leases granted by the Papago Tribe if approved by the Secretary of the Interior.

The environmental statement examines the proposed mining project in terms of its effects on the physical, biological, cultural, economic, and other aspects of the human environment. The project will include 1,600 acres of desert and foothill terrain, some of which have already been affected by past mining activities. Written and oral comments received have been incorporated in the statement.

Copies of the statement are available for inspection at the following locations:

Branch of Environmental Quality Services, Bureau of Indian Affairs, Room 4554, Interior Building, Washington, D.C. 20245, telephone 202-343-8248.

Phoenix Area Office, Bureau of Indian Affairs, 3030 North Central Avenue, Suite 502, Phoenix, Ariz. 85011, telephone 602-261-4195.

Papago Agency, Bureau of Indian Affairs, Sells, Ariz. 85634, telephone 602-383-5338.

Single copies of the final environmental statement may be obtained from the Phoenix Area Office, Bureau of Indian Affiairs, 3030 North Central Avenue, Suite 502, Phoenix, Ariz. 85011.

Dated: May 24, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary
of the Interior.

[FR Doc. 78-14839 Filed 5-26-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

Revised 1978 Aggregate Production Quota for Amphetamine

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulation.

On March 21, 1978, a notice of the proposed revised aggregate production quotas for Schedules I and II controlled substances for 1978 was published in the FEDERAL REGISTER (43 FR 11765-6). All interested parties were invited to comment or object to the proposed aggregate production quotas on or before April 21, 1978. This announcement proposed that the aggregate production quota for amphetamine for 1978 be established at 3,020,000 grams (expressed as anhydrous base).

Joseph Barrows, Ph.G., Consultant, of Valley Stream, N.Y., on behalf of his client, Rexar Pharmacal Corp. of Valley Stream, N.Y., submitted comments and a request for hearing relative to the proposed aggregate production quota for amphetamine. In addition, the National Association of Pharmaceutical Manufacturers (NAPM) of New York, N.Y., the Delco Chemical Co. of Mount Vernon, N.Y. and the Obesity and Nutrition Council of New York, N.Y., also submitted comments.

To provide for the on-going manufacture and needs of the United States while consideration was being given to this matter, DEA established an interim 1977 aggregate production quota for this substance of 3,020,000 grams.

DEA has conducted a review of the comments submitted in support of the contention that the proposed aggregate production quota for amphetamine was insufficient to meet the legitimate medical needs for amphetamine.

In his comments and objections, Mr. Barrows contended the following:

1. The quota system has created a monopoly of the amphetamine market for Smith Kline and French.

2. DEA had attempted to reduce the legitimate medical need for this substance.

3. DEA has not taken into account the impact of dispensing physicians.

4. The demand for amphetamine is greater than the supply available with the proposed quota and is increasing among dispensing physicians.

On the basis of these comments, Mr. Barrows requested a hearing on behalf of his client, Rexar Pharmacal Corporation. In addition to these comments, the other parties commenting also contended that:

5. DEA is required by regulation to provide an inventory allowance to manufacturers.

6. Sales and inventory statistics of amphetamine quota-holding companies have not been made available. With regard to these comments, the following points are made:

1. The quota system has not created a monopoly for Smith Kline and French. The general market share pattern for these companies which exists now was established before the control of amphetamine in Schedules II took place.

2. DEA has attempted and will continue to attempt to reduce not the legitimate medical use of amphetamine but the illicit diversion and abuse of legitimately manufactured dosage forms of amphetamine.

3 and 4. Any sale of amphetamine products to dispensing physicians will ultimately be included in sales figures supplied by dosage from manufacturers to DEA, as will sales to pharmacies and hospitals. The significant inventories of amphetamine available at year-end 1977 indicate that sufficient amounts of amphetamine have been made available to meet the legitimate needs for this substance in 1977 and that there will be sufficient material available in 1978. If there existed a true shortage of this substance, the large inventory would have, either through direct dispensing or prescription writing, surely been depleted.

5. DEA has, in 1978, provided an inventory allowance to the two bulk manufacturers of amphetamine, as required by regulation.

6. DEA considers the sale and inventory statistics provided by all quota-holding firms as proprietary information and will not divulge this information in the FEDERAL REGISTER, nor in any other public document without the prior consent of the companies involved.

Within the rulemaking procedures generally applicable to the determination of aggregate production quotas, no hearing is required. Notice and comment procedures, as established consistent with 5 U.S.C. § 553, are the only procedures mandated. Those procedures have been applied in this instance, and there does not appear to be any unresolved issue of specific fact requiring additional consideration within the process of a hearing. See 21 CFR §§ 1303.11(c), 1303.13(c), and 1303.31(a); 5 U.S.C. § 553; 21 U.S.C. §§ 826 and 875; and Davis, "Administrative Law of the Seventies" (1976), Section 6.06.

Additionally, Mr. Barrows' request for a hearing is procedurally deficient, failing to satisfy the requirements of 21 CFR §§ 1303.34 and 1316.47. Specifically, Mr. Barrows has not stated with sufficient particularity his interest within the requested proceeding.

Therefore, based on the considerations stated above, the request for hearing submitted by Mr. Joseph Barrows on behalf of his client, Rexar Pharmacal Corp., is hereby denied. In addition, the aggregate production quota for amphetamine, as proposed on March 21, 1978 (43 FR 11765-6), is hereby established as follows:

Basic class and 1978 aggregate production quota

Amphetamine, 3,020,000 grams.

This order is effective May 30, 1978.

Dated: May 23, 1978.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 78-14874 Filed 5-26-78; 8:45 am]

[4410-02]

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER (NCIC) CRIMINALISTICS LABORATORY INFORMATION SYSTEM (CLIS)

Establishing Criminalistics Laboratory Information System

Law enforcement has long recognized the need for a national computerized index on scientific reference information. In response to this need, the FBI is developing the Criminalistics Laboratory Information System. The FBI laboratory will host the data base, and NCIC telecommunications lines will be used to access it. This laboratory teleprocessing operation is designed to improve the efficiency and effectiveness of crime laboratory functions by providing immediate access to scientific reference information in a centralized data base.

The computer-based information system will eventually address priority operational needs of all forensic crime laboratories throughout the country. It becomes functional on a testing basis with the establishment of the General Rifling Characteristics File. This file will provide the firearms examiner with the capability of identifying a fired specimen with a weapon or likely weapon that could have fired the specimen. The participating crime laboratories will all use standardized codes and procedures in order to access the stored computerized information.

The search parameters used by the crime laboratories will consist of codes indicating impressions on a fired bullet or impressions on a fired cartridge case. These parameters control the extent of the search that is made of the data base in the file. The parameters for a bullet search are: cartridge type, number of lands and grooves, direction of twist, land width dimensions and tolerance, and groove width dimensions and tolerance. Cartridge case search parameters, which may also be included in a bullet search, include: cartridge type, firing pin impressions, and breech or bolt impression.

The General Rifling Characteristics File is to become operational for testing purposes June 1, 1978, and this will be followed by development of the Infrared Spectrophotometry File. These files will serve as the basis for the prototype system which will consist of a limited number of local, State, and Federal laboratories. After a suitable testing period, estimated at this time approximately one year, the full CLIS will be implemented.

The establishment of the Criminalistics Laboratory Information System has been approved by the Attorney General, U.S. Department of Justice.

Further information may be obtained from Mr. Frank B. Buell, Chief, National Crime Information Center, Federal Bureau of Investigation, Washington, D.C.

WILLIAM H. WEBSTER,
Director.

[FR Doc. 78-14877 Filed 5-26-78; 8:45 am]

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on Tuesday, June 13 and Wednesday, June 14, 1978, in Room N-5437, Department of Labor Building, Third Street and Constitution Avenue NW., Washington, D.C. 20210. The meeting is open to the public and will begin at 9:00 a.m.

The purpose of the meeting is to review and discuss proposals developed pursuant to the Committee's recommendation to begin efforts to verticalize Part 1926 Construction Standards.

Written data, views, or arguments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submissions received prior to the meeting will be provided to the members of the committee and will be included in the record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Oral presentations will be scheduled at the discretion of the Chairman, depending on the extent to which time permits. Communications may be mailed to: Ken Hunt, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Third Street and Constitution Avenue NW., Washington, D.C. 20210, Phone: 202-523-8024.

Materials provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C. this 25th day of May 1978.

EULA BINGHAM,
Assistant Secretary,
Occupational Safety and Health.

[FR Doc. 78-15087 Filed; 5-26-78 8:45 am]

[4510-26]

Occupational Safety & Health Administration

CALIFORNIA STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health, (hereinafter called Regional Administrator—OSHA) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On May 1, 1973, notice was published in the FEDERAL REGISTER (38 FR 10717) of the approval of the California plan and the adoption of Subpart K to Part 1952 containing the decision.

The California plan provides for the adoption of state standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. State standards have been revised in accordance with Part 1953 to meet the requirement of adopting Federal standard revisions and State initiated changes. Accordingly, California has revised these standards and promulgated them in accordance with applicable State procedures. By letter dated February 21, 1978, from Steven A. Jablonsky, Program Manager, California Occupational Safety and Health Administration, to Gabriel J. Gillotti, Regional Administrator, OSHA, and incorporated as part of the plan, the State submitted proof documents concerning standards equivalent to Federal amendments and State initiated standards to walking and working surfaces standards of 29 CFR 1910.23(e)(2), 1910.24(b), and 1910.24(i); means of egress standards, 29 CFR 1910.37(b) and 1910.37(f)(6); hazard material standards of 29 CFR 1910.107(a)(3) and 1910.109(k); personal protective equipment standards, 29 CFR 1910.134(a) and 1910.134(b)(11); machinery and machine guarding standards of 29 CFR 1910.212(a)(1), 1910.212(a)(2), 1910.212(a)(3), 1910.219 (a)(1), and 1910.219(e)(3); toxic and hazardous substances, 29 CFR 1910.1029; coke oven emissions, 1910.1044; emergency temporary standard 1,2-dibromo-3-chloropropane, tools, hand and power, 29 CFR 1926.302(e); electrical, 29 CFR 1926.400; ground fault protection and agriculture standard, 29 CFR 1928.57. These standards, which are contained in Title 8, Chapter 4 of the California Administrative Code were promulgated by the State after public hearings between the dates of January 1, 1977, and September 30, 1977.

2. *Decision.* Having reviewed the state submission in comparison with the federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards. The detailed standards comparison is available at the locations specified below.

3. *Locations of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator—OSHA, 450 Golden Gate Avenue, Room 9470, San Francisco, Calif. 94102 and California Occupational Safety and Health Administration, Room 3052, 455 Golden Gate Avenue, San Francisco, Calif. 94102; and the Technical Data Center, Room N2439R, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the California plan as a proposed change and making the OSHA Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of state law which included public comment and further public participation would be repetitious.

This decision is effective May 30, 1978.

(Sec. 18, Pub. L. 91-956, 84 Stat. 1608 (29 U.S.C 667).)

Signed at San Francisco, Calif., this 27th day of March 1978.

GABRIEL J. GILLOTTI,
Regional Administrator.

[FR Doc. 78-14901 Filed 5-26-78; 8:45 am]

[4510-26]

NORTH CAROLINA STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On February 1, 1973, notice was published in the FEDERAL REGISTER (28 FR 3041) of the approval of the North Carolina plan and the adoption of Subpart I to Part 1952 containing the decision.

The North Carolina plan provides for the adoption of Federal standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where an alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required." In response to Federal standards changes, the State has submitted by letter, dated September 29, 1977, from John C. Brooks, Commissioner, North Carolina Department of Labor, to Robert A. Wendell, Acting Regional Administrator, and incorporated as a part of the State plan, State standards comparable to the following Federal standards: §§ 1910.20, 1910.1000, 1910.1028 Emergency Temporary Standard for Occupational Exposure to Benzene, dated May 3, 1977; § 1910.1028, correction to Emergency Temporary Standard for Occupational

Exposure to Benzene, dated May 10, 1977; § 1910.1028, amended and added a paragraph to the Emergency Temporary Standard for Occupational Exposure to Benzene, dated May 24, 1977; a new Subpart T to Part 1910, Commercial Diving, dated July 22, 1977; § 1926.605 Marine Operations and Equipment amended to include Commercial Diving, dated July 22, 1977; § 1928.21 Safety and Health Standards for Agriculture, amended to exclude Commercial Diving, dated July 22, 1977; § 1928.21 Safety and Health Standards for Agriculture, amended to exclude air contaminant standards in Subparts B through T and Subpart Z from agricultural operations, dated July 29, 1977; § 1910.1044 Emergency Temporary Standard for Occupational Exposure to 1,2-dibromo-3-chloropropane, dated September 9, 1977; § 1910.1044 Emergency Temporary Standard for Occupational Exposure to 1,2-dibromo-3-chloropropane corrections, dated September 16, 1977.

These standards were promulgated by filing with the North Carolina Attorney General on May 16, 1977; June 2, 1977; July 29, 1977; August 18, 1977; September 29, 1977, respectively, pursuant to the North Carolina Occupational Safety and Health Act of 1973 (Chapter 295, General Statutes).

2. *Decision.* Having reviewed the State submission in comparison with Federal standards, it has been determined that the State standards are identical to the Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, North Carolina Departmnent of Labor, 11 West Edenton, Raleigh, N.C. 27611; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street NE., Atlanta, Ga. 30309; and Office of the Director of Federal Compliance and State Programs, Room N3112, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the North Carolina State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further public participation and comment would be unnecessary.

This decision is effective May 30, 1978.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Atlanta, Ga., this 19th day of December 1977.

COIS M. BROWN,
Acting Regional Administrator.

[FR Doc. 78-14901 Filed 5-26-78; 8:45 am]

[4510-26]

WASHINGTON STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the FEDERAL REGISTER (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the at least as effective as" status of the State program, a program change supplement to a State plan shall be required. In response to Federal standards changes, the State has submitted by letter, dated October 20, 1977, from James P. Sullivan, Assistant Director, to James Lake, Regional Administrator, and incorporated as part of the plan, a State standard comparable to 29 CFR 1910.309(c), Ground Fault Circuit Interrupters, as published in the FEDERAL REGISTER (41 FR 55696), dated December 21, 1976. This State standard, which is contained in WAC 296-24-955(c) General Safety and Health Standards, was promulgated after public hearing held on June 23, 1977, pursuant to Chapter 34.04 RCW and of the Open Public Meetings Act of 1971, Chapter 42.30 RCW.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard is identical to the Federal standard.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Wash. 98174; Department of Labor and Industries, General Administration Building, Olympia, Wash. 98504; and the Technical Data Center, Room N2439, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Section 1953.2(c) of this chapter provides that when a State standard is identical to or "at least as effective" as comparable Federal standard and has been promulgated in accordance with State law, approval may be effective upon publication without an opportunity for further public participation. As the standard under consideration is identical to the Federal standard and has been promulgated in accordance with State law, it is approved without public comment.

This decision is effective May 30, 1978.

(Sec. 18. Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed in Seattle, Wash., this 11th day of January 1978.

JAMES W. LAKE,
Regional Administrator, Occupational Safety and Health Administration.

[FR Doc. 78-14902 Filed 5-26-78; 8:45 am]

[4510-29]

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 78-5]

CLASS EXEMPTION FOR TRANSACTIONS INVOLVING COLLECTIVELY BARGAINED MULTIPLE EMPLOYER APPRENTICESHIP AND TRAINING PLANS.

Prohibited Transaction Exemption

AGENCY; Department of Labor.

ACTION: Grant of class exemption.

SUMMARY: This class exemption exempts from sections 406(a)(1) (A), (C), and (D) of the Employee Retirement Income Security Act of 1974 (the Act) certain transactions between collectively bargained multiple employer apprenticeship plans and employers making contributions to these plans or employee organizations any of whose members are covered by the plans if certain conditions are met. It appears to the Department that without the relief provided by this exemption, such apprenticeship plans would have difficulty operating in accordance with the purposes for which they were es-

tablished. The exemption affects employers making contributions to such plans, sponsoring employee organizations, and persons who are participants in such plans.

DATE: The exemption is effective January 1, 1975.

FOR FURTHER INFORMATION CONTACT:

Mr. Rudolph Nuissl, Department of Labor, Washington, D.C., 202-523-8974 (this is not a toll-free number).

SUPPLEMENTAL INFORMATION: On July 29, 1977, notice was published in the FEDERAL REGISTER (42 FR 38794), that the Department of Labor (the Department) had under consideration a proposed class exemption from the restrictions of sections 406(a)(1)(A), (C), and (D) of the Act for transactions involving: (1) the purchase of personal property by a collectively bargained multiple employer-employee welfare benefit plan maintained for the purpose of providing apprenticeship or other training programs (hereinafter referred to as an apprenticeship plan) from an employer who contributes to such plan (hereinafter referred to as a contributing employer) or a wholly owned subsidiary of such an employer; and (2) the leasing of real property (excluding office space) or personal property by an apprenticeship plan from a contributing employer or a wholly owned subsidiary of such an employer. The exemption was requested in applications filed by the International Union of Operating Engineers, on behalf of 45 local affiliated apprenticeship and/or training plans and the Laborers' Training and Retraining Trust fund for Northern California. The applicants represented that apprenticeship and other training plans are an essential element in providing trained workers for the industries in which they operate. The proper functioning of these plans requires that, from time to time, they purchase goods and lease equipment or other property for use in the programs which they maintain. It has been customary for these plans, which are jointly sponsored by unions and employers, to obtain such goods and rentals from employers who are contributors to the plans. All such employers are signatories to collective bargaining agreements with the sponsoring unions.

The exemption was proposed in accordance with the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and all interested persons were invited to submit comments on the proposed exemption. The public comments received in response to this request generally supported the proposed exemption, although some commentators urged that it be expanded to provide exemptive relief for transactions between apprenticeship plans and parties in interest other than contributing employers (and their wholly owned subsidiaries) and for transactions prohibited by section 406(b)(2) of the Act. These and other comments are discussed below.

OTHER PARTIES IN INTEREST

The exemption, as proposed, would have provided relief for certain transactions between apprenticeship plans and contributing employers. Several comments urge the Department to expand the parties in interest from which, pursuant to the exemption, an apprenticeship plan could purchase goods or lease equipment or other property. Specifically, it was suggested that an apprenticeship plan be permitted to obtain goods and rentals from an association of which a contributing employer is a member (hereinafter referred to as a related employer association), from an employee organization any of whose members' work results in contributions being made to the apprenticeship plan (hereinafter referred to as a sponsoring employee organization) and from a multiple employer plan which is a party in interest with respect to the apprenticeship plan or related to the apprenticeship plan by reason of the existence of trustees common to both the apprenticeship plan and the multiple employer plan (hereinafter referred to as a related multiple employer plan).

After consideration of these comments, the Department has decided to expand the proposed exemption to permit apprenticeship plans to lease real property other than office space,[1] and to lease personal property incidental to the lease of such real property, from sponsoring employee organizations. It has been represented that there is a widespread need among apprenticeship plans for facilities to train apprentices. Many apprenticeship plans typically have insufficient capital to build such training centers, and, thus, their only realistic alternative is to enter into leasing arrangements. Traditionally, apprenticeship plans have leased such training facilities from, among others, the employee organizations which sponsor such plans. Sponsoring employee organizations have an interest in ensuring the continued existence and financial stability of the apprenticeship plans which they sponsor. Whereas persons unrelated to apprenticeship plans may be unwilling or uninterested in leasing property to such plans, sponsoring employee organizations often are willing to devote the necessary time and expense to provide apprenticeship plans with the needed training centers and facilities.[2] Accordingly, the Department believes that permitting apprenticeship plans to lease real property, including the lease of personal property incidental to the lease of such real property, from sponsoring employee organizations under all the conditions of the exemption is appropriate.

At this time, the Department has decided not to extend exemptive relief to transactions for the purchase or lease of personal property (other than incidental to the lease of real property) by apprenticeship plans from sponsoring employee organizations or for the lease of real property (other than office space) or purchase or lease of personal property by an apprenticeship plan from a related employer association. The comment letters did not supply enough information to demonstrate to the Department that such transactions are sufficiently common to justify class-wide relief.

With respect to transactions for the lease of real property (other than office space) or purchase or lease of personal property by an apprenticeship plan from a related multiple employer plan, the Department notes that section C of Prohibited Transaction Exemption 76-1 (PTE 76-1) (41 FR 12740, March 26, 1976) already provides exemptive relief for transactions for the leasing of office space and sale or leasing of goods by a multiple employer plan to another multiple employer plan which is a party in interest with respect to such plan,[3] provided certain conditions are met. Subject to the conditions of PTE 76-1, then, a multiple employer apprenticeship plan is not prohibited by the prohibitions of section 406(a) from the lease of office space or the purchase or lease of goods from a related multiple employer plan. The only transaction not already exempt from the prohibitions of section 406(a) under section C of PTE 76-1 is the lease of real property other than office space between related multiple employer plans. The comments, however, did not make a showing that relief beyond that provided by PTE 76-1 is justified or necessary and, accordingly, the Department has determined not to expand the ap-

[1]Section 408(b)(2) of the Act and regulations issued thereunder, § 2550.408b-2 (42 FR 32389, June 24, 1977), already permit a plan to lease office space from a party in interest if certain conditions are met.

[2]One commentator indicated that few unrelated parties would be willing to enter into long term leases with an apprenticeship plan because of their concern that the plan might not receive additional necessary funding after the conclusion of the collective bargaining agreement.

[3]It should be noted, however, that not all related multiple employer plans are parties in interest with respect to each other. for example, if plan A merely has the same contributing employer(s), the same sponsoring employee organization(s), the same participants and the same trustees as plan B, and plan A and plan B have no other relationships, plan A and plan B are not parties in interest with respect to each other.

prenticeship exemption at this time to permit multiple employer apprenticeship plans to lease real property other than office space from related multiple employer plans.

TRUSTEES AND SECTION 406(b)(2)

Several comments urge the Department to delete from the proposed exemption the condition contained in section II(a)(1) thereof which provided that:

Neither the contributing employer, the wholly owned subsidiary of the employer nor any affiliate of such employer or subsidiary is a fiduciary with respect to the apprenticeship plan on the date of the transaction or has been a fiduciary respecting the apprenticeship plan at any time during the 2 years preceding the date of the transaction.

The comments represent that the structure of certain industries is such that the trustees of multiemployer apprenticeship plans representing contributing employers are drawn from the larger employers in the industry and these employers generally have available the largest pool of property for sale and lease to apprenticeship plans. Thus, it is asserted that adoption of proposed section II(a)(1) would exclude these employers from engaging in sale and lease transactions with apprenticeship plans to the detriment of such plans.

After considering these comments, the Department has decided not to adopt proposed section II(a)(1). The Department is taking this action because the imposition of the restriction contained in that section would diminish substantially the usefulness of the exemption to apprenticeship plans and the other conditions of the exemption provide sufficient protection for apprenticeship plans engaging in the same and lease transactions described herein.

While deletion of proposed section II(a)(1) will permit transactions between apprenticeship plans and contributing employers and sponsoring unions under circumstances where affiliates of such employers or members of such unions serve on the board of trustees administering the plan, the Department emphasizes that the exemption, as adopted, does not contain relief from section 406(b) of the Act. In this regard, the Department has received comments which urge that the proposed exemption be expanded to include relief from the prohibition of section 406(b)(2) of the Act. Section 406(b)(2) prohibits a fiduciary with respect to a plan from acting, in his individual or in any other capacity, in any transaction involving the plan on behalf of a party (or representing a party) whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries.

Exemption from section 406(b) is not necessary for many of the transactions in which apprenticeship plans purchase or lease property from parties in interest because such transactions are with parties who are not fiduciaries and do not involve the approving fiduciary in transactions which would be prohibited by section 406(b). Moreover, section 408(a) of the Act states that the Department may not grant an exemption from section 406(b) of the Act without affording an opportunity for a hearing. Such a hearing with respect to this exemption would further delay its adoption in final form. Consequently, for these reasons, the Department has determined to adopt the exemption without providing relief from section 406(b) of the Act. Interested persons may wish to bring to the attention of the Department, by application in accordance with the procedure established in ERISA Proc. 75-1 (40 FR 18471, April 28, 1975), as amended (42 FR 57183, November 1, 1977), their views as to whether the exemption, as adopted, should be amended to include relief from any of the prohibitions of section 406(b) of the Act, and, if so, the reasons therefor.

With respect to the absence of relief from section 406(b) of the Act, the Department notes the following. Section 406(b)(1) of the Act prohibits a fiduciary of a plan from dealing with the assets of a plan in his own interest or for his own account. It would constitute a prohibited transaction under section 406(b)(1) of the Act for a trustee of an apprenticeship plan who was, for example, an employee, officer, director or other affiliate of a contributing employer to participate in a decision of the plan to purchase or lease property from such contributing employer. Similarly, a trustee of a plan who was a member or officer of the union sponsoring the plan would engage in an act described in section 406(b)(1) of the Act by participating in a decision of the plan to lease property from such union. However, by removing himself from all consideration by the plan whether or not to engage in the transaction and by not otherwise exercising any of the authority, control or responsibility which makes him a fiduciary to cause the plan to engage in the transaction, the trustee (who is associated with the contributing employer or sponsoring employee organization selling or leasing the property to the plan) could avoid engaging in a section 406(b)(1) prohibited transaction.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) This exemption does not extend to transactions prohibited under sections 406(a)(1) (B) and (E), 406(a)(2) or 406(b) of the Act; and

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

EXEMPTION

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Proc. 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations: (a) the exemption is administratively feasible; (b) the exemption is in the interests of the plans affected and their participants and beneficiaries; and (c) the exemption is protective of the rights of participants and beneficiaries of the affected plans. Accordingly, the following exemption is granted, effective January 1, 1975, under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Proc. 75-1.

Section I.—Transactions Covered by this Exemption. (a) The purchase of personal property by a multiple employer welfare benefit plan maintained for the purpose of providing apprenticeship or other training programs (hereinafter referred to as an apprenticeship plan) from an employer who makes contributions to such plan (hereinafter referred to as a contributing employer) or from a wholly-owned subsidiary of such an employer.

(b) The leasing of personal property by an apprenticeship plan from a contributing employer or from a wholly owned subsidiary of such an employer.

(c) The leasing of real property (other than office space within the contemplation of section 408(b)(2) of the Act) by an apprenticeship plan from a contributing employer, a wholly owned subsidiary of such an employer, or from an employee organization any of whose members' work results in contributions being made to the apprenticeship plan (hereinafter referred to as a sponsoring employee organization).

(d) The leasing of personal property incidental to the leasing of real property by an apprenticeship plan from a sponsoring employee organization.

Section II.—Conditions. The transactions described in section I above are exempt only if:

(a) The transaction is on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be;

(b) The transaction is appropriate and helpful in carrying out the purposes for which the plan is established or maintained;

(c) The apprenticeship plan which enters into any of the transactions described in section I above maintains or causes to be maintained for a period of 6 years form the termination of any such transaction such records as are necessary to enable the persons described in paragraph (d) of this section to determine whether the conditions of this exemption have been met, except that:

(1) This paragraph (c) and paragraph (d) below will not apply to transactions effected prior to July 24, 1978, and

(2) A prohibited transaction will not be deemed to have occurred, if due to circumstances beyond the control of the fiduciaries of such apprenticeship plan, such records are lost or destroyed prior to the end of the 6-year period; and

(d) Notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the act, the records referred to in paragraph (b) of this section are unconditionally available at their customary location for examination during normal business hours by (1) the Department of Labor, (2) any contributing employer, (3) any employee of a contributing employer, (4) any sponsoring employee organization, (5) any person receiving benefits under the apprenticeship plan, and (6) any duly authorized employee or representative of a person described in (1) through (5) of this paragraph.

Section III.—Definitions. For purposes of this exemption the term "multiple employer welfare benefit plan" means a welfare plan which is a multiemployer plan within the meaning of section 3(37) of the Act, or a welfare plan which meets the requirements of at least subsection 3(37)(A) (i), (ii) and (v) of the Act.

Signed at Washington, D.C., this 24th day of May 1978.

IAN D. LANOFF,
Administrator, Pension Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 78-14897 Filed 5-24-78; 3:44 pm]

[4510-28]

[TA-W-2575]

ANDERSON DEVELOPMENT CORP., MIAMI, ARIZ.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2575: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 9, 1977, in response to a worker petition received on November 2, 1977, which was filed on behalf of workers and former workers of the Anderson Development Corp., who are engaged in the mining, heating and leaching of copper at the Bluebird Mine, Miami, Ariz. The Department's investigation revealed that Anderson workers were engaged only in the mining of copper ore at the Bluebird Mine owned by Ranchers Exploration and Development Corp. During the course of the investigation, it was determined that Ranchers Exploration and Development Corp. is the workers' firm.

The Notice of Investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ranchers Exploration and Development Corp., Anderson Development Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the criteria have been met.

U.S. imports of refined copper increased from 192 thousand short tons in 1972 to 203 thousand short tons and 314 thousand short tons, respectively, in 1973 and 1974. U.S. imports of refined copper declined to 147 thousand short tons in 1975 before increasing to 384 thousand short tons in 1976 and 391 thousand short tons in 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1972 to 9.0 percent and 15.2 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production declined to 8.6 percent in 1975 before increasing to 21.0 percent in 1976. The ratio of imports to domestic production increased further, to 22.2 percent in 1977.

While imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Ranchers and other domestic producers of refined copper lost sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic producers price for copper and the price established by the LME (London Metals Exchange). When the LME price drops more than the estimated transportation costs of 5 to 8 cents per pound below the domestic producers price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the domestic producers price and in July and August 1977 the LME price was almost 12 cents per pound below the domestic producers price. At the same time, the abundant supply of copper stocks in the foreseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased compared to 1976.

In October, 1977 Ranchers curtailed mining operations at the Bluebird Mine. Since then no new copper ore has been mined. This decision was based mainly on an attempt to avoid losses which Ranchers would incur were it to continue normal production levels at the current market prices for copper. Ranchers plans to resume normal operations at the Bluebird Mine should market conditions improve.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with copper produced at the Bluebird Mine, Miami, Ariz., of Ranchers Exploration and Development Corp. contributed importantly to the decline in sales and production at the mine and to the total or partial separations of workers of Anderson Development Corporation at the Bluebird Mine. In accordance with the provisions of the Act, I make the following certification:

All workers of Anderson Development Corp., at the Bluebird Mine, Miami, Ariz. who became totally or partially separated from employment on or after September 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 22nd day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-14903 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-3144]

BIRD & SON, INC., EAST WALPOLE, MASS.

Negative Determination Regarding Eligibility To apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3144: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 16, 1978, in response to a worker petition received on February 6, 1978, which was filed by the International Brotherhood of Teamsters on behalf of workers and former workers producing shoeboxes at the East Walpole, Mass. (FX 2) plant of Bird & Son, Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8862). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from Bird & Son, Inc., the U.S. Department of Treasury, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The East Walpole, Mass. (FX 2) plant of Bird & Son, Inc. produces shoeboxes.

Imports of rigid boxes are not separately identifiable in the official trade statistics. Folding boxes and paperboard are classified under TSUS item 256.5400, "Boxes, Paper, Paperboard and Paper Mache, NES." A survey of industry sources and U.S. Customs Officials and a review of U.S. Customs invoices indicated that there are no imports of shoeboxes into the United States.

Workers filing this petition allege that increased imports of shoes in boxes have contributed importantly to the separation of workers at the East Walpole, Mass. plant of Bird & Son, Inc. Although an unknown quantity of imported shoes are shipped in boxes, those packaged shoes are not like or directly competitive with the boxes produced by Bird & Son.

CONCLUSION

After careful review I conclude that all workers at the East Walpole, Mass. (FX 2) plant of Bird & Son, Inc. are denied eligibility to apply for adustment assistance under Title II, Chapter 2 of the Trade Act of 174.

Signed at Washington, D.C., this 18th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14904 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-3164]

CANAMEX COMMODITY CORP., WIRE PRODUCTS DIVISION, SAN FRANCISCO, CALIF.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3164: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978, in response to a worker petition received on February 7, 1978, which was filed on behalf of workers and former workers producing wire products at the San Francisco, Calif., facility of the Wire Products Division of Canamex Commodity Corp. The Department's investigation revealed that Canamex is involved only in the buying and selling of wire and other products.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Canamex Commodity Corp., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. The Department has determined that services are not "articles" within the meaning of section 222(3) of the Act.

Canamex Commodity Corp. was founded on July 31, 1972. Canamex is engaged in the buying and selling of coal, steel, wire products and sulfur. The firm's facilities include a rented office with equipment such as typewriters, telex machines, etc.

The Wire Product Division of Canamex Commodity Corp. purchases wire rod from several steel mills, and sells the rod to a wire manufacturer. The Division also purchases some finished wire products from a wire manufacturer and sells them to the wholesale trade. Workers at Canamex do not perform any production operations.

None of Canamex's customers or suppliers have any ownership or financial control in Canamex Commodity Corp. Canamex has no investment in its suppliers or customers.

The Wire Products Division of Canamex Commodity Corp. provides the service of buying and selling wire and wire rod. Canamex Commodity Corp. is not involved in the production of an article within the meaning of section 222(3) of the Act.

CONCLUSION

After careful review, I conclude that workers of the Wire Products Division of Canamex Commodity Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14905 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2669]

EASTERN SPORTSWEAR MANUFACTURING CO., INC., NEW BEDFORD, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2669: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 29, 1977 in response to a worker petition received on November 17, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing girls' slacks, skirts, vests and jeans at Eastern Sportswear Manufacturing Co., Inc., New Bedford, Mass.

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Eastern Sportswear Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files. In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of women's, misses', and girls' skirts increased from 517 thousand dozen in 1975 to 791 thousand dozen in 1976, a gain of 53.0 percent. Imports decreased from 690 thousand dozen in the first three quarters of 1976 to 442 thousand dozen in the first three quarters of 1977, a decline of 35.9 percent. The ratio of imports to domestic production increased from 10.8 percent in 1975 to 11.2 percent in 1976.

Imports of women's, misses', and girls' slacks and shorts increased from 10,067 thousand dozen in 1975 to 11,040 thousand dozen in 1976, a gain of 9.7 percent. Imports increased from 8,549 thousand dozen in the first three quarters of 1976 to 9,080 thousand dozen in the same period of 1977, a gain of 6.2 percent. The ratio of imports to domestic production increased from 35.2 percent in 1975 to 36.4 percent in 1976.

Evidence developed during the Department's investigation revealed that a customer accounting for a major proportion of Eastern Sportswear Manufacturing Co.'s sales decreased purchases from the subject firm and increased purchases of imported girls' sportswear in 1976 compared to 1975 and in 1977 compared to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with girls' sportswear produced at Eastern Sportswear Manufacturing Co., Inc., New Bedford, Mass. contributed importantly to the decline in sales and to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Eastern Sportswear Manufacturing Co., Inc., New Bedford, Mass. who became totally or partially separated from employment on or after November 14, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-14906 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2792]

EUREKA SUGAR MILL OF THE SUGAR CORPORATION OF PUERTO RICO HORMIGUEROS, P.R.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2792: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 21, 1977, in response to a worker petition received on December 6, 1977, which was filed on behalf of workers and former workers producing raw sugar at the Eureka, Hormigueros, P.R. sugar mill of the Sugar Corp. of Puerto Rico.

The notice of investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1556). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Sugar Corp. of Puerto Rico, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of cane and beet sugar in 1975 totaled 3.9 million short tons and increased in 1976 to 4.7 million short tons and to 6.1 million short tons in 1977. The ratio of imports to domestic production increased from 59 percent in 1975, to 66 percent in 1976 and to 96 percent in 1977.

Prior to 1974, imports of sugar were regulated by statute. Since the expiration of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices, subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

Sugar prices have dropped from 1974, when prices were 57.3 cents per pound, to the January 1976 price of 11.5 cents per pound. Presently the price of raw sugar is under 11.0 cents per pound. Domestic sugar growers have been selling their products at prices below the cost of production. Although price supports were instituted in 1977 raising the price paid to domestic producers, that price is still below the Sugar Corp, of Puerto Rico's cost of production. This disparity in cost of production and price of sugar has caused the company to permanently shut down its Eureka Sugar Mill.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with raw sugar produced at the Eureka, Hormigueros, P.R. Sugar Mill of the Sugar Corp. of Puerto Rico contributed importantly to the decline in sales and production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Eureka, Hormigueros, Puerto Rico Sugar Mill of the Sugar Corporation of Puerto Rico, who became totally or partially separated from employment on or after April 29, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Ecomomic Research.

[FR Doc. 78-14907 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2534]

F/V JENNIFER AND AARON PROVINCETOWN, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2534: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 31, 1977 in response to a worker petition received on October 25, 1977 which was filed on behalf of fishermen and former fishermen catching fish for the F/V Jennifer and Aaron, Provincetown, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the F/V Jennifer and Aaron, his customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment as-

sistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

During the 1973 to 1976 period the average annual level of imports of fresh and frozen groundfish and flatfish: whole; blocks and slabs; and fillets was 654,706,000 pounds. Imports in 1977 were 696,261,000 pounds. Imports as a percentage of production increased from 173.4 percent in 1975 to 197.8 percent in 1976 and declined to 187.8 percent in 1977.

Cod represented the largest percentage of total Provincetown landings in 1977. Imports of fresh and frozen cod increased from 256,962,000 pounds in 1975 to 331,044,000 pounds in 1977. Imports as a percentage of production increased from 379.4 percent in 1975 to 446.5 percent in 1976 and increased to 463.9 percent in 1977.

Imports of edible fish products from Canada increased from 438,206,000 pounds in 1975 to 474,015,000 pounds in 1976 to 478,470,000 pounds in 1977.

A survey of fish wholesalers served by the Provincetown area indicated that many had decreased purchases of fish from Provincetown. A number of these wholesalers purchased imported Canadian ground and flatfish either directly or indirectly in 1977.

The wholesalers also indicated that decreasing purchases from Provincetown were in large measure due to the increased purchases of fresh and frozen Canadian fish by their customers—fishmarkets, supermarkets, and restaurants. The Department's investigation revealed that many fish distributors and wholesalers use the imports of Canadian ground and flatfish as leverage in bidding down the exvessel prices paid to domestic fishermen for the same species of ground and flatfish.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with groundfish and flatfish caught by the F/V Jennifer and Aaron, Provincetown, Mass. contributed importantly to the decline in sales and employment related to the catching of fish aboard that vessel. In accordance with the provisions of the Act, I make the following certification:

All workers of the F/V Jennifer and Aaron, Provincetown, Mass. who became totally or partially separated from employment on or after October 20, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14911 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2430]

"F/V JOHNNY O.", PROVINCETOWN, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2430: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 6, 1977 in response to a worker petition received on September 30, 1977 which was filed on behalf of fishermen and former fishermen catching fish for the *F/V Johnny O.*, Provincetown, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56375). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the *F/V Johnny O.*, his customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

During the 1973 to 1976 period the average annual level of imports of fresh and frozen groundfish and flatfish: whole; blocks and slabs; and fillets was 654,706,000 pounds. Imports in 1977 were 696,261,000 pounds. Imports as a percentage of production increased from 173.4 percent in 1975 to 197.8 percent in 1976 and declined to 187.8 percent in 1977.

Cod represented the largest percentage of total Provincetown landings in 1977. Imports of fresh and frozen cod increased from 256,962,000 pounds in 1975 to 331,044,000 pounds in 1977. Imports as a percentage of production increased from 379.4 percent in 1975 to 446.5 percent in 1976 and increased to 463.9 percent in 1977.

Imports of edible fish products from Canada increased from 438,206,000 pounds in 1975 to 474,015,000 pounds in 1976 to 478,470,000 pounds in 1977.

A survey of fish wholesalers served by the Provincetown area indicated that many had decreased purchases of fish from Provincetown. A number of these wholesalers purchased imported Canadian ground and flatfish either directly or indirectly in 1977.

The wholesalers also indicated that decreasing purchases from Provincetown were in large measure due to the increased purchases of fresh and frozen Canadian fish by their customers—fishmarkets, supermarkets, and restaurants. The Department's investigation revealed that many fish distributors and wholesalers use the imports of Canadian ground and flatfish as leverage in bidding down the ex-vessel prices paid to domestic fishermen for the same species of ground and flatfish.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with groundfish and flatfish caught by the *F/V Johnny O.*, Provincetown, Mass. contributed importantly to the decline in sales and employment related to the catching of fish aboard that vessel. In accordance with the provisions of the Act, I make the following certification:

All workers of the *F/V Johnny O.*, Provincetown, Mass. who became totally or partially separated from employment on or after September 20, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14910 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2536]

F/V MICHAEL ANN, PROVINCETOWN, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2536: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 31, 1977 in response to a worker petition received on October 25, 1977 which was filed on behalf of fishermen and former fishermen catching fish for the F/V *Michael Ann*, Provincetown, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the F/V *Michael Ann*, his customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment as-

sistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

During the 1973 to 1976 period the average annual level of imports of fresh and frozen groundfish and flatfish: whole; blocks and slabs; and fillets was 654,706 thousand pounds. Imports in 1977 were 696,261 thousand pounds. Imports as a percentage of production increased from 173.4 percent in 1975 to 197.8 percent in 1976 and declined to 187.8 percent in 1977.

Cod represented the largest percentage of total Provincetown landings in 1977. Imports of fresh and frozen cod increased from 256,962 thousand pounds in 1975 to 331,044 thousand pounds in 1977. Imports as a percentage of production increased from 379.4 percent in 1975 to 446.5 percent in 1976 and increased to 463.9 percent in 1977.

Imports of edible fish products from Canada increased from 438,206 thousand pounds in 1975 to 474,015 thousand pounds in 1976 to 478,470 thoudand pounds in 1977.

A survey of fish wholesalers served by the Provincetown area indicated that many had decreased purchases of fish from Provincetown. A number of these wholesalers purchased imported Canadian ground and flatfish either directly or indirectly in 1977.

The wholesalers also indicated that decreasing purchases from Provincetown were in large measure due to the increased purchases of fresh and frozen Canadian fish by their customers—fishmarkets, supermarkets, and restaurants. The Department's investigation revealed that many fish distributors and wholesalers use the imports of Canadian ground and flatfish as leverage in bidding down the ex-vessel prices paid to domestic fishermen for the same species of ground and flatfish.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with groundfish and flatfish caught by the F/V *Michael Ann*, Provincetown, Mass. contributed importantly to the decline in sales and employment related to the catching of fish aboard that vessel. In accordance with the provisions of the Act, I make the following certification:

All workers of the F/V *Michael Ann*, Provincetown, Mass. who became totally or partially separated from employment on or after October 19, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23d day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14909 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-3166]

FAJARDO SUGAR MILL OF THE SUGAR CORP. OF PUERTO RICO FAJARDO, PUERTO RICO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3166: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978 in response to a worker petition received on February 7, 1978, which was filed on behalf of workers and former workers producing raw sugar at the Fajardo, Fajardo, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Sugar Corp. of Puerto Rico, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of cane and beet sugar in 1975 totaled 3.9 million short tons and increased in 1976 to 4.7 million short tons and 6.1 million tons in 1977. The ration of imports to domestic production increased from 59 percent in 1975, to 66 percent in 1976 and the 96 percent in 1977.

Prior to 1974, imports of sugar were regulated by statute. Since the expiration of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices, subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

Sugar prices have dropped from 1974, when prices were 57.3 cents per pound, to the January 1976 price of 11.5 cents per pound. Presently the price of raw sugar is under 11.0 cents per pound. Domestic sugar growers have been selling their products at prices below the cost of production. Although price supports were instituted in 1977 raising the price paid to domestic producers, that price is still below the Sugar Corp. of Puerto Rico's cost of production. This disparity in cost of production and price of sugar has caused the company to permanently shut down its Fajardo Sugar Mill.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with raw sugar produced at the Fajardo, Fajardo, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico contributed importantly to the decline in sales and production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Fajardo, Fajardo, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico, who became totally or partially separated from employment on or after July 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14908 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-3179]

HILTON MANUFACTURING CO., LINDEN, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3179: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978 in response to a worker petition received on February 6, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's and boys' tailored clothing at Hilton Manufacturing Co., Linden, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Hilton Manufacturing Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met: that sales or production, or both, of such firm or subdivision have decreased absolutely.

Hilton Manufacturing produces men's suits, sport coats and slacks. Production data represent the number of suit coats and sport coats manufactured; these data are equivalent to the number of suits and sport coats produced (since a suit consists of two garments—pants and a coat—but is counted as a single unit). Suits and sport coats account for about 90 percent of production. Production of suit coats and sport coats increased in 1977 compared to 1976 and in the first two months of 1978 compared to the like period in 1977. Production increased in each quarter of 1977 compared to the like quarter of 1976. Sales are equivalent to production as Hilton Manufacturing produces primarily for customer orders.

CONCLUSION

After careful review I conclude that all workers at Hilton Manufacturing Co., Linden, N.J. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14912 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2793]

IGUALDAD SUGAR MILL OF THE SUGAR CORP. OF PUERTO RICO, MAYAGUEZ, PUERTO RICO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2793: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 21, 1977 in response to a worker petition received on December 6, 1977, which was filed on behalf of workers and former workers producing raw and refined sugar at the Igualdad, Mayaguez, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico.

The notice of investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1556). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Sugar Corp. of Puerto Rico, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of cane and beet sugar in 1975 totaled 3.9 million short tons and increased in 1976 to 4.7 million short tons and to 6.1 million short tons in 1977. The ratio of imports to domestic production increased from 59 percent in 1975, to 66 percent in 1976 and to 96 percent in 1977.

Prior to 1974, imports of sugar were regulated by statute. Since the expiration of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices, subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

Sugar prices have dropped from 1974, when prices were 57.3 cents per pound, to the January 1976 price of 11.5 cents per pound. Presently the price of raw sugar is under 11.0 cents per pound. Domestic sugar growers have been selling their products at prices below the cost of production. Although price supports were instituted in 1977 raising the price paid to domestic producers, that price is still below the Sugar Corp. of Puerto Rico's cost of production. This disparity in cost of production and price of sugar has caused the company to permanently shut down its Igualdad Sugar Mill.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with raw and refined sugar produced at the Igualdad, Mayaguez, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico contributed importantly to the decline in sales and production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Igualdad, Mayaguez, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico, who became totally or partially separated from employment on or after May 6, 1977 are eligible to apply for adjustment assistance under Title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14913 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2845]

J. & T. SPORTSWEAR, INC., QUINCY, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2845: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 4, 1978 in response to a worker petition received on December 15, 1977, which was filed on behalf of workers and former workers producing women's sportswear at J. & T. Sportswear, Inc., Quincy, Mass. During the course of the investigation it was revealed that the firm produces women's slacks, shorts, and skirts.

The notice of investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3777). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of J. & T. Sportswear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that the sole manufacturer for which J. & T. Sportswear performs contract work increased their domestic contract work and increased their total sales both in 1976 compared to

1975 and in 1977 compared to 1976. This manufacturer neither imports finished garments nor contracts for any work offshore.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers of J. & T. Sportswear, Incorporated, Quincy, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14914 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2903]

JULIUS & SONS, INC., BOSTON, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2903: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 11, 1978 in response to a worker petition received on December 27, 1977 which was filed on behalf of workers and former workers producing leather coats, jackets and outerwear for men at Julius & Sons, Inc., Boston, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3776). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Julius & Sons Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

The value of imported leather coats and jackets increased from 154.3 million dollars in 1975 to 236.6 million dollars in 1976. Imports for January-October 1977 were 203.7 million dollars compared to 195.5 million dollars during January-October 1976. The ratio of imports to domestic production increased from 67.1 percent in 1975 to 81.6 percent in 1976.

Customers surveyed who decreased purchases from Julius & Sons, Inc., in 1976 and 1977, increased purchases of imported leather coats and jackets during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with leather coats, jackets, and outerwear for men produced at Julius & Sons Inc., Boston, Mass. contributed importantly to the decline in sales and production and to the separations of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Julius & Sons, Inc., Boston, Mass. who became totally or partially separated from employment on or after December 20, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14915 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2729]

LACLEDE STEEL CO., ALTON, ILL.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2729: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 6, 1977 in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel wire, pipe, sheet and strip, and other hot rolled products at the Alton, Ill. plant of the Laclede Steel Co.

The notice of investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65307). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Laclede Steel Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that the average number of production workers employed at the Alton, Ill. plant of the Laclede Steel Co. increased 0.8 percent from 1975 to 1976 and 5.0 percent from 1976 to 1977. Employment increased in the last three quarters of 1976 and in each quarter of 1977 compared to the same quarters of the preceding year. Average weekly hours per worker did not change significantly from 1976 to 1977.

CONCLUSION

After careful review I conclude that all workers at the Alton, Ill. plant of the Laclede Steel Co. be denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22d day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-14916 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2493 and TA-W-2695]

MIDWEST STEEL AND ALLOY CORP. AND RAILWAY SCRAP CORP., HUBBARD, OHIO, AND CLEVELAND, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2493 and TA-W-2695: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 20, 1977, in response to a worker petition received on October 13, 1977, which was filed on behalf of workers and former workers producing iron and steel scrap at the Hubbard, Ohio, scrap yard of Midwest Steel & Alloy Corp. and the Cleveland, Ohio, office of the same firm (TA-W-2493) and at the Hubbard, Ohio, facility of Railway Scrap Corp., a wholly-owned subsidiary of Midwest Steel & Alloy Corp. (TA-W-2695).

The notice of investigation for TA-W-2493 was published in the FEDERAL REGISTER on November 1, 1977 (42 FR 57175). No public hearing was requested and none was held.

The notice of investigation of case TA-W-2695 was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63485). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Midwest Steel and Alloy Corp., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. With respect to workers at the Hubbard, Ohio, facility, without regard as to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and obsolute decline in sales or production.

A survey of customers of the Hubbard, Ohio, scrap yard revealed that steel plants which are customers of Midwest do not purchase imported iron and steel scrap metal. respondents reported that they reduced purchases from Midwest because declining steel reduction had reduced the need for scrap metal. The petition alleged that imports of finished steel products contributed to the workers separations. However, finished steel products can not be considered like or directly competitive with iron and steel scrap.

With respect to workers at the Cleveland, Ohio, facility, the Department has determined that services are not "articles" within the meaning of section 222(3) of the Act.

The Cleveland, Ohio office of Midwest Steel & Alloy Corp. houses the firm's scrap metal brokerage operations. Midwest finds buyers for owners of scrap metal who wish to sell and finds sellers for those who wish to buy scrap metal. Midwest performs this operation for all types of scrap metal, both ferrous and nonferrous. None of the buyers or sellers have any ownership interest in Midwest Steel & Alloy. The Cleveland, Ohio, facility cannot be considered part of the integrated production process of Midwest Steel & Alloy Corp.

The Cleveland, Ohio, office provides the service of buying and selling scrap metal. The Cleveland, Ohio, office of Midwest Steel & Alloy Corp. is not involved in the production of an article within the meaning of section 222(3) of the Act.

CONCLUSION

After careful review, I conclude that all workers at the Hubbard, Ohio, facility of Midwest Steel & Alloy Corp. and its subsidiary, Railroad Scrap Corp. and at the Cleveland, Ohio, office of Midwest Steel & Alloy Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14917 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2891]

RANCHERS EXPLORATION AND DEVELOPMENT CORP., MIAMI, ARIZ.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2891: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978, in response to a worker petition received on December 19, 1977, which was filed on behalf of workers and former workers of Ranchers Exploration & Development Corp., who are engaged in the mining of copper and the production of copper cathodes at the Bluebird Mine, Miami, Ariz.

The Department's investigation revealed that the workers are engaged in the production of copper cathodes (refined copper).

The Notice of Investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ranchers Exploration and Development Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of refined copper increased from 192 thousand short tons in 1972 to 203 thousand short tons and 314 thousand short tons, respectively, in 1973 and 1974. U.S. imports of refined copper declined to 147 thousand short tons in 1975 before increasing to 384 thousand short tons in 1976. U.S. imports increased from 384 thousand short tons in 1976 to 391 thousand short tons in 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1972 to 9.0 percent and 15.2 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production declined to 8.6 percent in 1975 before increasing to 21.0 percent in 1976. The ratio of imports to domestic production increased further, to 22.2 percent in 1977.

While imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Ranchers and other domestic producers of refined copper lost sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the price of copper established by domestic producers and the price established by the LME (London Metals Exchange). When the LME price drops more than the estimated transportation costs of 5-8 cents per pound below the domestic producers' price, the demand for imported copper increases. During May and June 1977 the LME price, was almost 11 cents per pound below the domestic producers' price and in July and August 1977 the LME price was almost 12 cents per pound below the domestic producers price. At the same time, the abundant supply of copper stocks in the foreseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased compared to 1976.

The decision to curtail mining operations at the Bluebird Mine (which in turn results in declining production of refined copper) was based mainly on an attempt to avoid losses which the company would incur were it to continue normal production levels at the current market prices for copper. Ranchers plans to resume normal operations at the Bluebird Mine should market conditions improve.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with refined copper produced at the Bluebird Mine, Miami, Ariz. of Ranchers Explo-

ration and Development Corp. contributed importantly to the total or partial separation of the workers of that facility. In accordance with the provisions of the Act, I make the following certification:

All workers at the Bluebird Mine, Miami, Ariz., of Ranchers Exploration and Development Corp. who became totally or partially separated from employment on or after September 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-14918 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-3167]

SAN FRANCISCO SUGAR MILL OF THE SUGAR CORP. OF PUERTO RICO, GUAYANILLA, P.R.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3167: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978 in response to a worker petition received on February 7, 1978, which was filed on behalf of workers and former workers producing raw sugar at the San Francisco, Guayanilla, P.R. Sugar Mill of the Sugar Corp. of Puerto Rico.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Sugar Corp. of Puerto Rico, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of cane and beet sugar in 1975 totaled 3.9 million short tons and increased in 1976 to 4.7 million short tons and to 6.1 million short tons in 1977. The ratio of imports to domestic production increased from 59 percent in 1975, to 66 percent in 1976 and to 96 percent in 1977.

Prior to 1974, imports of sugar were regulated by statute. Since the expiration of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices, subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

Sugar prices have dropped from 1974, when prices were 57.3 cents per pound, to the January 1976 price of 11.5 cents per pound. Presently the price of raw sugar is under 11.0 cents per pound. Domestic sugar growers have been selling their products at prices below the cost of production. Although price supports were instituted in 1977 raising the price paid to domestic producers, that price is still below the Sugar Corp. of Puerto Rico's cost of production. This disparity in cost of production and price of sugar has caused the company to permanently shut down its San Francisco Sugar Mill.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with raw sugar and turbinated sugar produced at the San Francisco, Guayanilla, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico contributed importantly to the decline in sales and production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the San Francisco, Guayanilla, P.R. Sugar Mill of the Sugar Corp. of Puerto Rico, who became totally or paritally separated from employment on or after June 10, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of Foreign Economic Research.

[FR Doc. 78-14919 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2562]

THOMAS KNITTING, INC., NEW YORK, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2562: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 3, 1977, in response to a worker petition received on October 27, 1977, which was filed on behalf of workers producing double knit fabric and sweater strips at Thomas Knitting, Inc., New York, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59583). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Thomas Knitting, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that imports of circular knit fabric increased from 3,022 thousand pounds in 1974 to 4,840 thousand pounds in 1975 and decreased to 3,790 thousand pounds in 1976. In the first nine months of 1976, 2,485 thousand pounds of circular knit fabric were imported compared to 1,391 thousand pounds of circular knit fabric imported in the first nine months of 1977. Imports of double knit fabric decreased from 83 million square yards in 1975 to 67 million square yards in 1976 to 61.8 million square yards in 1977.

Imports as a percentage of domestic production have been less than one percent in each year since 1973 and have been declining since 1975. The import to production ratio was 0.34 in 1975 and 0.28 in 1976. The ratio was 0.14 in the first nine months of 1977 compared to 0.24 in the same period of 1976. Imports of double knit fabric as a percentage of domestic production decreased from 0.7 in 1975 to 0.6 in 1976. Domestic production information was not available for 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that workers of Thomas Knitting, Inc., New York, N.Y. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-14920 Filed 5-26-78; 8:45 am]

[4510-23]

Office of the Secretary

[Order No. 5-78]

ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS

Delegation of Authority To Request Information From the Internal Revenue Service

MAY 10, 1978.

1. *Purpose.* To delegate authority to the Assistant Secretary for Labor-Management Relations for the purpose of administering and enforcing the Employee Retirement Income Security Act of 1974.

2. *Background.* The Employee Retirement Income Security Act of 1974, section 3004, entitled "Coordination Between the Department of the Treasury and the Department of Labor" provides, in general, that to avoid unnecessary expense and duplication of functions, both departments may make agreements for cooperation or mutual assistance in the performance of their functions under the Act.

The implementation of this provision of the Act requires access to tax information in the possession of the Internal Revenue Service. All information furnished by the Internal Revenue Service is made available pursuant to the provisions of section 6103(l)(2) of the Internal Revenue Code. This information will be used strictly in accordance with, and subject to the limitations of the disclosure provisions of the Internal Revenue Code pertaining to confidentiality and taxpayer rights of privacy.

3. *Delegation of Authority.* The Assistant Secretary for Labor-Management Relations is delegated authority—including authority to redelegate—to request information in the possession of the Internal Revenue Service to be used in connection with the administration of Title I of the Employee Retirement Income Security Act of 1974.

4. *Effective date.* This order is effective immediately.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 78-14898 Filed 5-26-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 9, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 11th day of May 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bethlehem Steel Corp., Marine Division (workers)	Sparrows Point, Md	Apr. 25, 1978	Apr. 21, 1978	TA-W-3,693	Ocean transportation for raw materials for Bethlehem Steel Corp.
Delaware Alloy Forge Co. (I.A.M.)	Philadelphia, Pa	May 2, 1978	Apr. 19, 1978	TA-W-3,694	Steel forgings both alloy and unalloyed.
Wm. P. Goldman & Bros. (workers)	Brooklyn, N.Y	May 2, 1978	Apr. 27, 1978	TA-W-3,695	Men's apparel.
International Mill Service (workers)	Newport, Ark	May 1, 1978	Apr. 25, 1978	TA-W-3,696	Removal of impurities from steel and from these impurities, metals (scrap) are recovered for the steel companies.
ITT-Cable Hydrospace, National City Marine Terminal (workers).	National City, Calif	Apr. 27, 1978	Apr. 24, 1978	TA-W-3,697	Undersea telecommunications cables.
Revlon, Inc. (USWA)	Irvington, N.J	May 2, 1978	Apr. 20, 1978	TA-W-3,698	Tweezers, emory files, cuticle clippers, toenail clippers, etc.
Riddell, Inc	Chicago, Ill	May 1, 1978	Apr. 27, 1978	TA-W-3,699	Men's leather athletic and athleisure shoes.
Sawyer Research Product (workers)	Eastlake, Ohio	May 2, 1978	Apr. 27, 1978	TA-W-3,700	Grow cultured crystal quartz.
U.S. Steel Corp., Pittsburgh Service Center (workers).	Pittsburgh, Pa. (Muriel St)	Apr. 19, 1978	Apr. 19, 1978	TA-W-3,701	Data processing and direct mail service.
U.S. Steel Corp., Pittsburgh Service Center (workers).	Pittsburgh, Pa. (Grant St)	Apr. 19, 1978	Apr. 18, 1978	TA-W-3,702	Data processing and direct mail service.

[FR Doc. 78-14899 Filed 5-26-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE DIABLO CANYON NUCLEAR POWER STATION

Meeting

The ACRS Subcommittee on the Diablo Canyon Nuclear Power Station will hold a meeting on June 14-15, 1978 in room 1046, 1717 H Street NW., Washington, D.C. 20555 to continue its review of the Pacific Gas and Electric Co.'s applications for operating licenses for Units 1 and 2 of this Station.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Wednesday, June 14 and Thursday, June 15, 1978, 8 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the Pacific Gas and Electric Co., the NRC Staff, and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. John C. McKinley, telephone, 202-634-1371, between 8:15 a.m. and 5 p.m., EDT.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document room, 1717 H Street NW., Washington, D.C. 20555 and at the San Luis Obispo Free Library, San Luis Obispo, CA 93406.

Dated: May 24, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-15035 Filed 5-26-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289]

METROPOLITAN EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (the licensees), which revised the license and its appended Technical Specification for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

This amendment reduces the allowable measured neutron flux tilt, the allowable axial power imbalance and the allowable position limits for the Axial Power Shaping Rods.

This amendment also adds a license condition which requires comparison of measured and predicted power distributions after about 25 effective full power days of operation in this operating cycle.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 10 and 16, 1978, (2) Amendment No. 40 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 19th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-14817 Filed 5-26-78; 8:45 am]

[7590-01]

[Byproduct Material License No. 29-13613-02]

RADIATION TECHNOLOGY, INC.

Order Confirming Resumption of Evidentiary Hearing on May 31, 1978

In the matter of Radiation Technology, Inc., Lake Denmark Road, Rockaway, N.J. 07866.

At the conclusion of an evidentiary hearing session held on May 12, 1978, an order was orally entered into the transcript of the proceeding providing that the evidentiary hearing was then recessed to reconvene in the Freeholders' Meeting Room, Morris County Courthouse at 9 a.m. on Wednesday, May 31, 1978.

This Order is issued to provide a basis for public notice that may not be readily available from the transcript due to the lack of a local Public Depository in Morristown for records in this proceeding.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that the evidentiary hearing in this proceeding shall resume and reconvene at 9 a.m. on Wednesday, May 31, 1978, in the Freeholders' Meeting Room in the Morris County Courthouse, Morristown, N.J.

Issued May 22, 1978, Bethesda, Md.

For the Nuclear Regulatory Commission.

SAMUEL W. JENSCH,
Administrative Law Judge.

[FR Doc. 78-14818 Filed 5-26-78; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

NUCLEAR WASTE MANAGEMENT TECHNICAL ADVISORY GROUP

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Nuclear Waste Management Technical Advisory Group.
Date: June 15, 1978.
Time: 8:30 a.m. to 5 p.m.
Place: Room 3104, New Executive Office Building, Washington, D.C. 20500.
Type of meeting: Open.
Contact person: Mr. William Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.
Summary minutes: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.
Purpose of advisory group: The Office of Science and Technology Policy, in accordance with the statutory mandate to analyze and interpret significant developments and trends with respect to long-term management of nuclear wastes, will identify and delineate viable alternative technology strategies or planning approaches to the problem of disposal and isolation of all nuclear waste other than that categorized as low level.
Agenda: 8:30 to 5 p.m.—a discussion of draft materials prepared as part of the policy review process for the President.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc. 78-14872 Filed 5-26-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY STAFF COMMITTEE

Possible Reallocation of Specialty Steel Quotas

AGENCY: Office of the Special Representative for Trade Negotiations.

ACTION: Notice of possible reallocation of specialty steel quota shortfalls.

SUMMARY: Written comments are solicited from interested parties on the possible reallocation, within certain quota categories, from suppliers who are not likely to export the quantity of steel which would fill the current quotas assigned to them, to other suppliers who are able to supply additional steel.

DATE: Comments should be received by or before June 2, 1978.

ADDRESS: Comments should be sent to the Secretary, Trade Policy Staff Committee, Room 728, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Karen Alleman, Room 728, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C. 20506, 202-395-7203.

SUPPLEMENTARY INFORMATION: By Proclamation 4445 of June 11, 1976 (41 FR 24101), as modified, the President proclaimed import relief for the domestic specialty steel industry for a period of 3 years in the form of an Orderly Marketing Agreement with Japan and quotas on imports from other foreign suppliers. Headnote 2 of subpart A, part 2 of the appendix to the Tariff Schedules of the United States (TSUS) gives the Special Representative for Trade Negotiations the authority to reallocate shortfalls during the last 3 months of each quota year. This notice indentifies likely shortfalls in relation to revised quota quantities for the current restraint period (June 14, 1977 to June 13, 1978) as listed below:

[In short tons]

TSUS item	Supplier	Revised quota quantity for the 2d restraint period	Estimated charges by June 13, 1978	Potential shortfalls
923.20 (stainless steel sheet and strip)	Col. 2.*	3	0	3
923.22 (stainless steel bar)	Canada	1,600	1,300	300
	Col. 2.*	2	0	2
923.23 (stainless steel rod)	Sweden	3,658	3,246	412
923.26 (alloy tool steel)	Canada	2,000	1,867	133
	Col. 2.*	6	0	6
	Sweden	8,600	7,804	796

*Countries entitled to the rate of duty in rates of duty column numbered 2 of the tariff schedules of the United States.

Estimated charges by June 13, 1978, are extrapolated from actual charges against each quota quantity through May 5, 1978. While shortfalls are possible in the stainless steel plate category, there are no suppliers who have filled their revised quotas at expected rates.

For each of the specialty steel product categories in which likely shortfalls by some suppliers are projected, there are other suppliers who may be able to ship amounts in excess of the quotas now allocated to them and thus would benefit from any reallocations made. These suppliers are:

TSUS item	*Supplier*
923.20 (stainless steel sheet and strip).	European economic community, Sweden, and other col. 1 countries.
923.22 (stainless steel bar).	European economic community and other col. 1 countries.
923.23 (stainless steel rod).	European economic community.
923.26 (alloy tool steel).	Austria, European economic community, and other col. 1 countries.

WILLIAM B. KELLY, Jr.
Chairman, Trade Policy Staff Committee.

[FR Doc. 78-14863 Filed 5-26-78; 8:45 am]

[7710-12]

POSTAL SERVICE

CERTAIN PERMANENT POSTAL RATES AND FEES

Effective Date

1. On July 13, 1977, the Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of domestic postage and fees for domestic postal services pursuant to Chapter 36 of Title 39, United States Code (Postal Rate Commission Docket No. R77-1). Notice of this action was published in the FEDERAL REGISTER by the Postal Rate Commission on July 20, 1977, 42 FR 37330, as amended at 42 FR 63240 and 42 FR 63830.

On May 12, 1978, as amended on May 18, 1978, the Postal Rate Commission transmitted to the Governors of the Postal Service its recommended decision in which it recommended changes in permanent rates of domestic postage and fees for domestic postal services. On May 19, 1978, the Governors approved the permanent rates and fees recommended by the Postal Rate Commission and the Board of Governors determined the effective date thereof. (The Governors' decision, the record of the Commission's hearings, and the Commission's recommended decision may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Governors' decision and the Commission's recommended decision are available for inspection in the Library at Headquarters, United States Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.)

In accordance with action by the Governors and the Board of Governors, the Postal Service hereby gives notice that the rates and fees listed below become effective as of 12:01 a.m., May 29, 1978.

2. The schedules A-1 through G-19 set forth below shall be applicable from and after the time and date specified, until further notice, except that the phased rates set forth in schedules 1-7, which are applicable to the classes of mail and kinds of mailers identified in paragraphs (a) (1) and (2) of § 3626 of Title 39, shall instead be in effect, and the rates becoming effective shall be those set forth in the "year 6" column under the heading "Phased rates."

(39 U.S.C. 101(d), 401, 403, 404, 407, 3621, 3625, 3626, 3627.)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-14804 Filed 5-24-78; 10:05 am]

SCHEDULE A-1
First-Class and Business Reply

Mail Type	Postage Rate Unit	Rate Regular (Cents)	Rate Presorted (Cents) 1/
First-Class:			
Letters	1st Ounce	15	13
	Each add'l ounce	13 2/	13
Cards	Piece	10	9
Business Reply 3/	With advance deposit account	3.5	3.5
	Without advance deposit account	12	12

1/ Presorted first-class mail must be presented in a single mailing of 500 or more pieces properly prepared and presorted. The lower rate applies only to each piece of a group of ten or more pieces destined for the same five-digit ZIP Code or each piece of a group of fifty or more pieces destined for the same three-digit ZIP Code. A mailing fee of $30 must be paid once each calendar year at each office of mailing by or for any person who mails presorted first-class mail.

2/ Rate applies through 12 ounces. Heavier pieces are subject to priority mail rates.

3/ Rates are applied on a per-piece basis in addition to regular postage. A fee of $30 must be paid once each calendar year for each business-reply permit. An accounting charge must be paid once each calendar year for each business-reply advance deposit account.

Priority Mail

Postage Rate Unit (Pounds)	Rate 1/ (dollars)					
Mail weighing over 12 ozs. and not exceeding	Zones					
	Local 1, 2 & 3	4	5	6	7	8
1	1.71	1.81	1.88	1.97	2.06	2.25
1.5	1.86	1.96	2.07	2.21	2.34	2.50
2	1.99	2.12	2.27	2.44	2.61	2.83
2.5	2.11	2.27	2.46	2.68	2.89	3.16
3	2.23	2.42	2.65	2.91	3.17	3.50
3.5	2.35	2.58	2.84	3.15	3.45	3.83
4	2.47	2.73	3.03	3.38	3.73	4.16
4.5	2.59	2.89	3.22	3.62	4.01	4.50
5	2.72	3.04	3.42	3.85	4.29	4.83
Per Piece	$1.50	$1.50	$1.50	$1.50	$1.50	$1.50
Per Pound	24.3¢	30.8¢	38.3¢	47.0¢	55.7¢	66.6¢

1/ Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

SCHEDULE A-2a

Priority Rate Schedule

WEIGHT NOT EXCEEDING (POUNDS)	LOCAL,1,2,3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8
1.0	1.71	1.81	1.88	1.97	2.06	2.25
1.5	1.86	1.96	2.07	2.21	2.34	2.56
2.0	1.99	2.12	2.27	2.44	2.61	2.85
2.5	2.11	2.27	2.46	2.66	2.89	3.16
3.0	2.23	2.42	2.65	2.91	3.17	3.50
3.5	2.35	2.56	2.84	3.15	3.45	3.83
4.0	2.47	2.73	3.03	3.38	3.73	4.15
4.5	2.59	2.89	3.22	3.62	4.01	4.50
5.0	2.72	3.04	3.42	3.85	4.29	4.85
6.0	2.96	3.35	3.80	4.32	4.84	5.50
7.0	3.20	3.66	4.18	4.79	5.40	6.16
8.0	3.44	3.96	4.56	5.26	5.96	6.83
9.0	3.69	4.27	4.95	5.73	6.51	7.49
10.0	3.93	4.58	5.33	6.20	7.07	8.16
11.0	4.17	4.89	5.71	6.67	7.63	8.83
12.0	4.42	5.20	6.10	7.14	8.18	9.49
13.0	4.66	5.50	6.48	7.61	8.74	10.16
14.0	4.90	5.81	6.86	8.08	9.30	10.82
15.0	5.15	6.12	7.25	8.55	9.86	11.49
16.0	5.39	6.43	7.63	9.02	10.41	12.16
17.0	5.63	6.74	8.01	9.49	10.97	12.82
18.0	5.87	7.04	8.39	9.96	11.53	13.49
19.0	6.12	7.35	8.78	10.43	12.08	14.15
20.0	6.36	7.66	9.16	10.90	12.64	14.82
21.0	6.60	7.97	9.54	11.37	13.20	15.49
22.0	6.85	8.28	9.93	11.84	13.75	16.15
23.0	7.09	8.58	10.31	12.31	14.31	16.82
24.0	7.33	8.89	10.69	12.78	14.87	17.48
25.0	7.58	9.20	11.08	13.25	15.42	18.15
26.0	7.82	9.51	11.46	13.72	15.98	18.82
27.0	8.06	9.82	11.84	14.19	16.54	19.48
28.0	8.30	10.12	12.22	14.66	17.10	20.15
29.0	8.55	10.43	12.61	15.13	17.65	20.81
30.0	8.79	10.74	12.99	15.60	18.21	21.48
31.0	9.03	11.05	13.37	16.07	18.77	22.15
32.0	9.28	11.36	13.76	16.54	19.32	22.81
33.0	9.52	11.66	14.14	17.01	19.88	23.48
34.0	9.76	11.97	14.52	17.48	20.44	24.14
35.0	10.01	12.28	14.91	17.95	21.00	24.81
36.0	10.25	12.59	15.29	18.42	21.55	25.48
37.0	10.49	12.90	15.67	18.89	22.11	26.14
38.0	10.73	13.20	16.05	19.36	22.67	26.81
39.0	10.98	13.51	16.44	19.83	23.22	27.47
40.0	11.22	13.82	16.82	20.30	23.78	28.14
41.0	11.46	14.13	17.20	20.77	24.34	28.81
42.0	11.71	14.44	17.59	21.24	24.89	29.47
43.0	11.95	14.74	17.97	21.71	25.45	30.14
44.0	12.19	15.05	18.35	22.18	26.01	30.80
45.0	12.44	15.36	18.74	22.65	26.57	31.47
46.0	12.68	15.67	19.12	23.12	27.12	32.14
47.0	12.92	15.98	19.50	23.59	27.68	32.80
48.0	13.16	16.28	19.88	24.06	28.24	33.47
49.0	13.41	16.59	20.27	24.53	28.79	34.13
50.0	13.65	16.90	20.65	25.00	29.35	34.80
51.0	13.89	17.21	21.03	25.47	29.91	35.47
52.0	14.14	17.52	21.42	25.94	30.46	36.13
53.0	14.38	17.82	21.80	26.41	31.02	36.80
54.0	14.62	18.13	22.18	26.88	31.58	37.46
55.0	14.87	18.44	22.57	27.35	32.14	38.13
56.0	15.11	18.75	22.95	27.82	32.69	38.80
57.0	15.35	19.06	23.33	28.29	33.25	39.46
58.0	15.59	19.36	23.71	28.76	33.81	40.13
59.0	15.84	19.67	24.10	29.23	34.36	40.79
60.0	16.08	19.98	24.48	29.70	34.92	41.46
61.0	16.32	20.29	24.86	30.17	35.48	42.13
62.0	16.57	20.60	25.25	30.64	36.03	42.79
63.0	16.81	20.90	25.63	31.11	36.59	43.46
64.0	17.05	21.21	26.01	31.58	37.15	44.12
65.0	17.30	21.52	26.40	32.05	37.71	44.79
66.0	17.54	21.83	26.78	32.52	38.26	45.46
67.0	17.78	22.14	27.16	32.99	38.82	46.12
68.0	18.02	22.44	27.54	33.46	39.38	46.79
69.0	18.27	22.75	27.93	33.93	39.93	47.45
70.0	18.51	23.06	28.31	34.40	40.49	48.12

SCHEDULE B-1

Second-Class Mail: In-County, Transient, and Commingled Non-Subscriber Copies[1/]

Mail Type	Full Rate (cents)
In-County	
Pound-rate matter:	
Per-pound	5.4
Per-piece	3.4
Transient	
First 2 ounces	10
Each additional ounce	6
Commingled Non-Subscriber Copies[1/]	
Per-pound	15.3
Per-piece	5.8

1/ Includes sample copies in excess of the 10 percent allowance and complimentary copies.

SCHEDULE B-2

Second-Class Mail: Publications of Authorized Nonprofit Organizations, Outside County

	Postage Rate Unit	Full Rate[1/] (cents)
Per-pound		
Non-advertising portion	Pound	11.2
Advertising portion:[2/]		
Zone: 1 & 2	Pound	15.8
3	Pound	16.5
4	Pound	17.6
5	Pound	19.7
6	Pound	22.5
7	Pound	25.1
8	Pound	27.6
Per-piece	Piece	5.6

1/ Charges for second-class nonprofit mail are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

2/ Not applicable to publications containing 10 percent or less advertising content.

SCHEDULE B-3

Second-Class Mail: Classroom Publications, Outside County

	Postage Rate Unit	Full Rate[1/] (cents)
Per-pound		
Non-advertising portion	Pound	5.4
Advertising portion:		
Zone: 1 & 2	Pound	7.2
3	Pound	7.6
4	Pound	8.9
5	Pound	11.2
6	Pound	14.2
7	Pound	17.0
8	Pound	18.9
Per-piece	Piece	3.0

1/ Charges for classroom publications are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

SCHEDULE B-4

Second-Class Mail: Regular Rate
Publications, Outside County

	Postage Rate Unit	Full Rate[1/] (cents)
Per-pound		
Non-advertising portion	Pound	13.1
Advertising portion:		
Zone: 1 & 2	Pound	17.5[2/]
3	Pound	18.4
4	Pound	19.9
5	Pound	22.7
6	Pound	26.0
7	Pound	29.4
8	Pound	31.8
Per-piece		
5,000 or more copies per issue outside the county of publication		
Category A Outgoing/incoming distribution required: SCF, States, and mixed States	Piece	7.0
Category B Incoming distribution only required: 3-digit city and 5-digit	Piece	5.4
Category C By-pass outgoing and incoming distribution: carrier route or finer presortation	Piece	4.4
Less than 5,000 copies per issue outside the county of publication		
Presorted to 3-digit City/5 digits	Piece	4.3
Not presorted to 3-digit City/5 digits	Piece	5.9

1/ Charges for second-class regular rate mail are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion and the advertising portion charge, as applicable.

2/ Per-pound advertising portion rate for science of agriculture publications mailed to zones 1 and 2 is 15.8 cents.

SCHEDULE C

Controlled Circulation Mail

	Full Rate (cents)
Per-pound	15.3
Per-piece	5.8

SCHEDULE D

Third-Class Mail

	Full Rate (cents)
Single-Piece	
First 2 ounces	20
Next 2 ounces	20
Each additional 2 ounces	13
Keys and Identification Devices	
First 2 ounces	32
Each additional 2 ounces	18
Regular Bulk[1/]	
Per-pound	
Ordinary matter[2/]	41
Books, catalogs, etc.[3/]	36
Minimum-per-piece	8.4
Nonprofit Bulk[1/]	
Per-pound	
Ordinary matter[2/]	34
Books, catalogs, etc.[3/]	29
Minimum-per-piece	6.1

1/ A fee of $40.00 must be paid once each calendar year for each bulk mailing permit.

2/ Ordinary matter includes all regular and nonprofit bulk matter except: books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants.

3/ Books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants.

SCHEDULE E-1

Fourth-Class Mail: Special and Library Rates

	Full Rate (cents)
Special:	
First pound	
Not presorted	59
Presorted to 5-digits 1/ 2/	52
Presorted to 3-digits 1/ 3/	55
Each additional pound through 7 pounds	22
Each additional pound over 7 pounds	13
Library:	
First pound	38
Each additional pound through 7 pounds	13
Each additional pound over 7 pounds	7

1/ A fee of $30.00 must be paid once each calendar year for each permit
2/ For mailings of 500 or more pieces properly prepared and presorted to five-digit destination ZIP Codes (§400.331a(1) of the Classification Schedule effective July 6, 1976).
3/ For mailings of 2,000 or more pieces properly prepared and presorted to five-digit and three-digit destination ZIP Codes (§403.331a(2) of the Classification Schedule effective July 6, 1976).

SCHEDULE E-2

Fourth-Class Mail: Single-Piece Bound Printed Matter 1/

Rates for Pieces Weighing Up to (Pounds)	Zones (Dollars)							
	Local	1&2	3	4	5	6	7	8
1.5	.69	.92	.94	.97	1.02	1.08	1.16	1.19
2	.69	.93	.95	.99	1.06	1.14	1.25	1.28
2.5	.69	.93	.96	1.01	1.10	1.20	1.33	1.38
3	.69	.94	.97	1.03	1.14	1.25	1.41	1.47
3.5	.69	.94	.98	1.05	1.17	1.31	1.50	1.56
4	.69	.95	.99	1.07	1.21	1.37	1.58	1.66
4.5	.69	.95	1.00	1.09	1.25	1.42	1.67	1.75
5	.70	.96	1.02	1.12	1.29	1.48	1.75	1.85
6	.70	.96	1.04	1.16	1.36	1.59	1.92	2.03
7	.70	.97	1.06	1.20	1.44	1.71	2.09	2.22
8	.70	.98	1.08	1.24	1.51	1.82	2.25	2.41
9	.70	.99	1.10	1.28	1.59	1.94	2.42	2.59
10	.70	1.00	1.12	1.32	1.66	2.05	2.59	2.78
Per piece (dollars)	.69	.91	.91	.91	.91	.91	.91	.91
Per Pound (cents)	.1	.9	2.1	4.1	7.5	11.4	16.8	18.7

1/ Includes both catalogs and similar bound printed matter (§400.51 of the Classification Schedule effective July 6, 1976).

SCHEDULE E-3

Fourth-Class Mail: Bulk Bound Printed Matter 1/

Zones	Per Piece (cents)	Per Pound (cents)
Local	35	.1
1&2	46	.9
3	46	2.1
4	46	4.1
5	46	7.5
6	46	11.4
7	46	16.8
8	46	18.7

1/ Includes both catalogs and similar bound printed matter (§400.51 of the Classification Schedule effective July 6, 1976).

SCHEDULE E-4
PARCEL POST RATE SCHEDULE

WEIGHT NOT EXCEEDING (POUNDS)	Local	1&2	3	4	5	6	7	8
2	1.15	1.35	1.39	1.56	1.72	1.84	1.98	2.22
3	1.23	1.45	1.53	1.73	1.86	2.04	2.24	2.61
4	1.25	1.56	1.65	1.82	2.00	2.23	2.50	3.00
5	1.36	1.66	1.77	1.92	2.14	2.43	2.77	3.39
6	1.42	1.71	1.84	2.01	2.28	2.62	3.03	3.78
7	1.47	1.76	1.90	2.11	2.41	2.82	3.25	4.17
8	1.51	1.80	1.97	2.20	2.55	3.02	3.56	4.55
9	1.54	1.85	2.03	2.29	2.69	3.21	3.82	4.95
10	1.57	1.89	2.10	2.39	2.83	3.41	4.08	5.34
11	1.60	1.94	2.17	2.50	3.00	3.65	4.42	5.73
12	1.64	1.98	2.22	2.56	3.09	3.77	4.57	6.1
13	1.67	2.02	2.27	2.63	3.17	3.89	4.72	6.4.
14	1.70	2.05	2.32	2.69	3.25	3.99	4.86	6.62
15	1.73	2.09	2.36	2.74	3.33	4.09	4.99	6.30
16	1.76	2.13	2.41	2.80	3.40	4.19	5.11	6.58
17	1.79	2.16	2.45	2.85	3.47	4.29	5.23	7.15
18	1.82	2.20	2.49	2.91	3.54	4.37	5.34	7.31
19	1.86	2.23	2.53	2.96	3.61	4.46	5.45	7.47
20	1.89	2.27	2.58	3.01	3.67	4.54	5.55	7.62
21	1.92	2.30	2.62	3.06	3.74	4.62	5.66	7.76
22	1.95	2.34	2.66	3.14	3.85	4.78	5.80	7.90
23	1.98	2.37	2.72	3.25	3.99	4.96	6.02	8.03
24	2.01	2.44	2.80	3.35	4.12	5.13	6.24	8.16
25	2.04	2.51	2.89	3.46	4.26	5.31	6.46	8.29
26	2.07	2.58	2.97	3.56	4.39	5.48	6.68	8.40
27	2.11	2.65	3.06	3.67	4.53	5.66	6.90	8.52
28	2.14	2.72	3.14	3.77	4.66	5.83	7.12	8.63
29	2.17	2.75	3.23	3.88	4.80	6.01	7.34	8.75
30	2.20	2.86	3.31	3.98	4.93	6.18	7.56	8.85
31	2.68	3.09	3.46	4.09	5.07	6.36	7.78	9.41
32	2.71	3.12	3.49	4.19	5.20	6.53	8.00	9.51
33	2.74	3.16	3.57	4.30	5.34	6.71	8.22	9.61
34	2.77	3.19	3.65	4.40	5.47	6.88	8.44	9.80
35	2.80	3.22	3.74	4.51	5.61	7.06	8.66	10.06
36	2.83	3.28	3.82	4.61	5.74	7.23	8.88	10.32
37	2.86	3.35	3.91	4.72	5.88	7.41	9.10	10.58
38	2.89	3.42	3.99	4.82	6.01	7.58	9.32	10.84
39	2.93	3.49	4.08	4.93	6.15	7.76	9.54	11.10
40	2.96	3.56	4.16	5.03	6.28	7.93	9.76	11.36
41	2.95	3.63	4.25	5.14	6.42	8.11	9.98	11.62
42	3.02	3.70	4.33	5.24	6.55	8.28	10.20	11.88
43	3.05	3.77	4.42	5.35	6.69	8.46	10.42	12.14
44	3.08	3.84	4.50	5.45	6.82	8.63	10.64	12.40
45	3.11	3.91	4.59	5.56	6.96	8.81	10.86	12.66
46	3.14	3.56	4.67	5.66	7.09	8.98	11.08	12.92
47	3.17	4.05	4.76	5.77	7.23	9.16	11.30	13.18
48	3.20	4.12	4.84	5.87	7.36	9.33	11.52	13.44
49	3.23	4.19	4.93	5.98	7.50	9.51	11.74	13.70
50	3.27	4.26	5.01	6.08	7.63	9.68	11.96	13.96
51	3.30	4.33	5.10	6.19	7.77	9.86	12.18	14.22
52	3.33	4.40	5.18	6.29	7.90	10.03	12.40	14.48
53	3.36	4.47	5.27	6.40	8.04	10.21	12.62	14.74
54	3.39	4.54	5.35	6.50	8.17	10.38	12.84	15.00
55	3.42	4.61	5.44	6.61	8.31	10.56	13.06	15.26
56	3.45	4.68	5.52	6.71	8.44	10.73	13.28	15.52
57	3.48	4.75	5.61	6.82	8.58	10.91	13.50	15.78
58	3.51	4.82	5.69	6.92	8.71	11.08	13.72	16.04
59	3.54	4.89	5.78	7.03	8.85	11.26	13.94	16.30
60	3.57	4.96	5.86	7.13	8.98	11.43	14.16	16.56
61	3.60	5.03	5.95	7.24	9.12	11.61	14.38	16.82
62	3.64	5.10	6.03	7.34	9.25	11.78	14.60	17.08
63	3.67	5.17	6.12	7.45	9.39	11.96	14.82	17.34
64	3.70	5.24	6.20	7.55	9.52	12.13	15.04	17.60
65	3.73	5.31	6.29	7.66	9.66	12.31	15.26	17.86
66	3.76	5.38	6.37	7.76	9.79	12.48	15.48	18.12
67	3.79	5.45	6.46	7.87	9.93	12.66	15.70	18.38
68	3.82	5.52	6.54	7.97	10.06	12.83	15.92	18.64
69	3.85	5.59	6.63	8.08	10.20	13.01	16.14	18.90
70	3.88	5.66	6.71	8.18	10.33	13.18	16.36	19.16

Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

SCHEDULE F-1

Express Mail Rates: Airport to Airport

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
1	$ 6.55	$ 6.60	$ 6.65	$ 6.75	$ 6.85	$ 6.95	$ 7.05
2	6.95	7.00	7.15	7.25	7.40	7.55	7.70
3	7.35	7.45	7.60	7.75	7.95	8.15	8.35
4	7.75	7.90	8.10	8.30	8.50	8.75	9.00
5	8.15	8.30	8.55	8.80	9.05	9.35	9.65
6	8.55	8.75	9.00	9.30	9.60	9.95	10.30
7	8.95	9.15	9.50	9.80	10.15	10.55	11.00
8	9.35	9.60	9.95	10.30	10.70	11.15	11.60
9	9.75	10.05	10.45	10.85	11.25	11.75	12.25
10	10.15	10.45	10.90	11.35	11.80	12.35	12.90
11	10.55	10.90	11.35	11.85	12.35	12.95	13.55
12	10.95	11.30	11.85	12.35	12.90	13.55	14.20
13	11.35	11.75	12.30	12.85	13.45	14.15	14.85
14	11.75	12.20	12.80	13.40	14.00	14.75	15.50
15	12.15	12.60	13.25	13.90	14.55	15.35	16.15
16	12.55	13.05	13.70	14.40	15.10	15.95	16.80
17	12.95	13.50	14.20	14.90	15.65	16.55	17.45
18	13.35	13.90	14.65	15.40	16.20	17.15	18.10
19	13.75	14.35	15.15	15.95	16.75	17.75	18.75
20	14.15	14.75	15.60	16.45	17.30	18.35	19.40
21	14.55	15.20	16.05	16.95	17.85	18.95	20.05
22	14.95	15.60	16.55	17.45	18.40	19.55	20.70
23	15.35	16.05	17.00	17.95	18.95	20.15	21.35
24	15.75	16.50	17.50	18.50	19.50	20.75	22.00
25	16.15	16.90	17.95	19.00	20.05	21.35	22.65
26	16.55	17.35	18.40	19.50	20.60	21.95	23.30
27	16.95	17.75	18.90	20.00	21.15	22.55	23.95
28	17.35	18.20	19.35	20.50	21.70	23.15	24.60
29	17.75	18.65	19.85	21.05	22.25	23.75	25.25
30	18.15	19.05	20.30	21.55	22.80	24.35	25.90
31	18.55	19.50	20.75	22.05	23.35	24.95	26.55
32	18.95	19.90	21.25	22.55	23.90	25.55	27.20
33	19.35	20.35	21.70	23.05	24.45	26.15	27.85
34	19.75	20.80	22.20	23.60	25.00	26.75	28.50
35	20.15	21.20	22.65	24.10	25.55	27.35	29.15

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
36	20.55	21.65	23.10	24.60	26.10	27.95	29.80
37	20.95	22.05	23.60	25.10	26.65	[illegible]	30.45
38	21.35	22.50	24.05	25.60	27.20	[illegible]	31.10
39	21.75	22.95	24.55	26.15	27.75	[illegible]	31.75
40	22.15	23.35	25.00	26.65	28.30	30.35	32.40
41	22.55	23.80	25.45	27.15	28.85	30.95	33.05
42	22.95	24.20	25.95	27.65	29.40	31.55	33.70
43	23.35	24.65	26.40	28.15	29.95	32.15	34.35
44	23.75	25.10	26.90	28.70	30.50	32.75	35.00
45	24.15	25.50	27.35	29.20	31.05	33.35	35.65
46	24.55	25.95	27.80	29.70	31.60	33.95	36.30
47	24.95	26.35	28.30	30.20	32.15	34.55	36.95
48	25.35	26.80	28.75	30.70	32.70	35.15	37.60
49	25.75	27.25	29.25	31.25	33.25	35.75	38.25
50	26.15	27.65	29.70	31.75	33.80	36.35	38.90
51	26.55	28.10	30.15	32.25	34.35	36.95	39.55
52	26.95	28.50	30.65	32.75	34.90	37.55	40.20
53	27.35	28.95	31.10	33.25	35.45	38.15	40.85
54	27.75	29.40	31.60	33.80	36.00	38.75	41.50
55	28.15	29.80	32.05	34.30	36.55	39.35	42.15
56	28.55	30.25	32.50	34.80	37.10	39.95	42.80
57	28.95	30.65	33.00	35.30	37.65	40.55	43.45
58	29.35	31.10	33.45	35.80	38.20	41.15	44.10
59	29.75	31.55	33.95	36.35	38.75	41.75	44.75
60	30.15	31.95	34.40	36.85	39.30	42.35	45.40
61	30.55	32.40	34.85	37.35	39.85	42.95	46.05
62	30.95	32.80	35.35	37.85	40.40	43.55	46.70
63	31.35	33.25	35.80	38.35	40.95	44.15	47.35
64	31.75	33.70	36.30	38.90	41.50	44.75	48.00
65	32.15	34.10	36.75	39.40	42.05	45.35	48.65
66	32.55	34.55	37.20	39.90	42.60	45.95	49.30
67	32.95	34.95	37.70	40.40	43.15	46.55	49.95
68	33.35	35.40	38.15	40.90	43.70	47.15	50.60
69	33.75	35.85	38.65	41.55	44.25	47.75	51.25
70	$34.15	$36.25	$39.10	$41.95	$44.80	$48.35	$51.90

SCHEDULE F-2

Express Mail Rates: Programmed Service

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
1	$12.55	$12.60	$12.65	$12.75	$12.85	$12.95	$13.05
2	12.95	13.00	13.15	13.25	13.40	13.55	13.70
3	13.35	13.45	13.60	13.75	13.95	14.15	14.35
4	13.75	13.90	14.10	14.30	14.50	14.75	15.00
5	14.15	14.30	14.55	14.80	15.05	15.35	15.65
6	14.55	14.75	15.00	15.30	15.60	15.95	16.30
7	14.95	15.15	15.50	15.80	16.15	16.55	16.95
8	15.35	15.60	15.95	16.30	16.70	17.15	17.60
9	15.75	16.05	16.45	16.85	17.25	17.75	18.25
10	16.15	16.45	16.90	17.35	17.80	18.35	18.90
11	16.55	16.90	17.35	17.85	18.35	18.95	19.55
12	16.95	17.30	17.85	18.35	18.90	19.55	20.20
13	17.35	17.75	18.30	18.85	19.45	20.15	20.85
14	17.75	18.20	18.80	19.40	20.00	20.75	21.50
15	18.15	18.60	19.25	19.90	20.55	21.35	22.15
16	18.55	19.05	19.70	20.40	21.10	21.95	22.80
17	18.95	19.45	20.20	20.90	21.85	22.55	23.45
18	19.35	19.90	20.65	21.40	22.20	23.15	24.10
19	19.75	20.35	21.15	21.95	22.75	23.75	24.75
20	20.15	20.75	21.60	22.45	23.30	24.35	25.40
21	20.35	21.20	22.05	22.95	23.85	24.95	26.05
22	20.95	21.60	22.55	23.45	24.40	25.55	26.70
23	21.35	22.05	23.00	23.95	24.95	26.15	27.35
24	21.75	22.50	23.50	24.50	25.50	26.75	28.00
25	22.15	22.90	23.95	25.00	26.05	27.35	28.65
26	22.55	23.35	24.40	25.50	26.60	27.95	29.30
27	22.95	23.75	24.90	26.00	27.15	28.55	29.95
28	23.35	24.20	25.35	26.50	27.70	29.15	30.60
29	23.75	24.65	25.85	27.05	28.25	29.75	31.25
30	24.15	25.05	26.30	27.65	28.80	30.35	31.90
31	24.55	25.50	26.75	28.05	29.35	30.95	32.55
32	24.95	25.90	27.25	28.55	29.90	31.55	33.20
33	25.35	26.35	27.70	29.05	30.45	32.15	33.85
34	25.75	26.80	28.20	29.60	31.00	32.75	34.50
35	26.15	27.20	28.65	30.10	31.55	33.35	35.15

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
36	26.55	27.65	29.10	30.60	32.10	33.95	35.80
37	26.95	28.05	29.60	31.10	32.65	34.55	36.45
38	27.35	28.50	30.05	31.60	33.20	35.15	37.10
39	27.75	28.95	30.55	32.15	33.75	35.75	37.75
40	28.15	29.35	31.00	32.65	34.30	36.35	38.40
41	28.55	29.80	31.45	33.15	34.85	36.95	39.05
42	28.95	30.20	31.95	33.65	35.40	37.55	39.70
43	29.35	30.65	32.40	34.15	35.95	38.15	40.35
44	29.75	31.10	32.90	34.70	36.50	38.75	41.00
45	30.15	31.50	33.35	35.20	37.05	39.35	41.65
46	30.55	31.95	33.80	35.70	37.60	39.95	42.30
47	30.95	32.35	34.30	36.20	38.15	40.55	42.95
48	31.35	32.80	34.75	36.70	38.70	41.15	43.60
49	31.75	33.25	35.25	37.25	39.25	41.75	44.25
50	32.15	33.65	35.70	37.75	39.80	42.35	44.90
51	32.55	34.10	36.15	38.25	40.35	42.95	45.55
52	32.95	34.50	36.65	38.75	40.90	43.55	46.20
53	33.35	34.95	37.10	39.25	41.45	44.15	46.85
54	33.75	35.40	37.60	39.80	42.00	44.75	47.50
55	34.15	35.80	38.05	40.30	42.55	45.35	48.15
56	34.55	36.25	38.50	40.80	43.10	45.95	48.80
57	34.95	36.65	39.00	41.30	43.65	46.55	49.45
58	35.35	37.10	39.45	41.80	44.20	47.15	50.10
59	35.75	37.55	39.95	42.35	44.75	47.75	50.75
60	36.15	37.95	40.40	42.85	45.30	48.35	51.40
61	36.55	38.40	40.85	43.35	45.85	48.95	52.05
62	36.95	38.80	41.35	43.85	46.40	49.55	52.70
63	37.35	39.25	41.80	44.35	46.95	50.15	53.35
64	37.75	39.70	42.30	44.90	47.50	50.75	54.00
65	38.15	40.10	42.75	45.40	48.05	51.35	54.65
66	38.55	40.55	43.20	45.90	48.60	51.95	55.30
67	38.95	40.95	43.70	46.40	49.15	52.55	55.95
68	39.35	41.40	44.15	46.90	49.70	53.15	56.60
69	39.75	41.85	44.65	47.45	50.25	53.75	57.25
70	$40.15	$42.25	$45.10	$47.95	$50.80	$54.35	$57.90

1/ The rates for Programmed Service are subject to the following:

a. If tendered at origin airport mail facility deduct $3.00.

b. If tendered for claim by addressee at destination airport mail facility deduct $3.00.

c. If tendered at origin airport mail facility for claim by addressee at destination airport mail facility deduct $6.00..

d. Add $5.25 for each delivery stop for item(s) tendered for delivery to addressee.

e. For each collection stop, add $5.25 per occurrence.

SCHEDULE F-3

Express Mail Rates: Post Office to Addressee[1/]

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
1	$ 7.50	$ 7.55	$ 7.65	$ 7.70	$ 7.80	$ 7.90	$ 8.00
2	7.90	8.00	8.10	8.25	8.35	8.50	8.65
3	8.30	8.40	8.60	8.75	8.90	9.10	9.30
4	8.70	8.85	9.05	9.25	9.45	9.70	9.95
5	9.10	9.30	9.50	9.75	10.00	10.30	10.60
6	9.50	9.70	10.00	10.25	10.55	10.90	11.25
7	9.90	10.15	10.45	10.80	11.10	11.50	11.90
8	10.30	10.55	10.95	11.30	11.65	12.10	12.55
9	10.70	11.00	11.40	11.80	12.20	12.70	13.20
10	11.10	11.45	11.85	12.30	12.75	13.30	13.85
11	11.50	11.85	12.35	12.80	13.30	13.90	14.50
12	11.90	12.30	12.80	13.35	13.85	14.50	15.15
13	12.30	12.70	13.30	13.85	14.40	15.10	15.80
14	12.70	13.15	13.75	14.35	14.95	15.70	16.45
15	13.10	13.60	14.20	14.85	15.50	16.30	17.10
16	13.50	14.00	14.70	15.35	16.05	16.90	17.75
17	13.90	14.45	15.15	15.90	16.60	17.50	18.40
18	14.30	14.85	15.65	16.40	17.15	18.10	19.05
19	14.70	15.30	16.10	16.90	17.70	18.70	19.70
20	15.10	15.75	16.55	17.40	18.25	19.30	20.35
21	15.50	16.15	17.05	17.90	18.80	19.90	21.00
22	15.90	16.60	17.50	18.45	19.35	20.50	21.65
23	16.30	17.00	18.00	18.95	19.90	21.10	22.30
24	16.70	17.45	18.45	19.45	20.45	21.70	22.95
25	17.10	17.90	18.90	19.95	21.00	22.30	23.60
26	17.50	18.30	19.40	20.45	21.55	22.90	24.25
27	17.90	18.75	19.85	21.00	22.10	23.50	24.90
28	18.30	19.15	20.35	21.50	22.65	24.10	25.55
29	18.70	19.60	20.80	22.00	23.20	24.70	26.20
30	19.10	20.05	21.25	22.50	23.75	25.30	26.85
31	19.50	20.45	21.75	23.00	24.30	25.90	27.50
32	19.90	20.90	22.20	23.55	24.85	26.50	28.15
33	20.30	21.30	22.70	24.05	25.40	27.10	28.80
34	20.70	21.75	23.15	24.55	25.95	27.70	29.45
35	21.10	22.20	23.60	25.05	26.50	28.30	30.10

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
36	21.50	22.60	24.10	25.55	27.05	28.90	30.75
37	21.90	23.05	24.55	26.10	27.60	29.50	31.40
38	22.30	23.45	25.05	26.60	28.15	30.10	32.05
39	22.70	23.90	25.50	27.10	28.70	30.70	32.70
40	23.10	24.35	25.95	27.60	29.25	31.30	33.35
41	23.50	24.75	26.45	28.10	29.80	31.90	34.00
42	23.90	25.20	26.90	28.65	30.35	32.50	34.65
43	24.30	25.60	27.40	29.15	30.90	33.10	35.30
44	24.70	26.05	27.85	29.65	31.45	33.70	35.95
45	25.10	26.50	28.30	30.15	32.00	34.30	36.60
46	25.50	26.90	28.80	30.65	32.55	34.90	37.25
47	25.90	27.35	29.25	31.20	33.10	35.50	37.90
48	26.30	27.75	29.75	31.70	33.65	36.10	38.55
49	26.70	28.20	30.20	32.20	34.20	36.70	39.20
50	27.10	28.65	30.65	32.70	34.75	37.30	39.85
51	27.50	29.05	31.15	33.20	35.30	37.90	40.50
52	27.90	29.50	31.60	33.75	35.85	38.50	41.15
53	28.30	29.90	32.10	34.25	36.40	39.10	41.80
54	28.70	30.35	32.55	34.75	36.95	39.70	42.45
55	29.10	30.80	33.00	35.25	37.50	40.30	43.10
56	29.50	31.20	33.50	35.75	38.05	40.90	43.75
57	29.90	31.65	33.95	36.30	38.60	41.50	44.40
58	30.30	32.05	34.45	36.80	39.15	42.10	45.05
59	30.70	32.50	34.90	37.30	39.70	42.70	45.70
60	31.10	32.95	35.35	37.80	40.25	43.30	46.35
61	31.50	33.35	35.85	38.30	40.80	43.90	47.00
62	31.90	33.80	36.30	38.85	41.35	44.50	47.65
63	32.30	34.20	36.80	39.35	41.90	45.10	48.30
64	32.70	34.65	37.25	39.85	42.45	45.70	48.95
65	33.10	35.10	37.70	40.35	43.00	46.30	49.60
66	33.50	35.50	38.20	40.85	43.55	46.90	50.25
67	33.90	35.95	38.65	41.40	44.10	47.50	50.90
68	34.30	36.35	39.15	41.90	44.65	48.10	51.55
69	34.70	36.80	39.60	42.40	45.20	48.70	52.20
70	$35.10	$37.25	$40.05	$42.90	$45.75	$49.30	$52.85

1/ For each collection stop, add $5.25 per occurrence.

SCHEDULE F-4

Express Mail Rates: Post Office to Post Office

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
1	$ 5.40	$ 5.45	$ 5.55	$ 5.60	$ 5.70	$ 5.80	$ 5.90
2	5.80	5.90	6.00	6.15	6.25	6.40	6.55
3	6.20	6.30	6.50	6.65	6.80	7.00	7.20
4	6.60	6.75	6.95	7.15	7.35	7.60	7.85
5	7.00	7.20	7.40	7.65	7.90	8.20	8.50
6	7.40	7.60	7.90	8.15	8.45	8.80	9.15
7	7.80	8.05	8.35	8.70	9.00	9.40	9.80
8	8.20	8.45	8.85	9.20	9.55	10.00	10.45
9	8.60	8.90	9.30	9.70	10.10	10.60	11.10
10	9.00	9.35	9.75	10.20	10.65	11.20	11.75
11	9.40	9.75	10.25	10.70	11.20	11.80	12.40
12	9.80	10.20	10.70	11.25	11.75	12.40	13.05
13	10.20	10.60	11.20	11.75	12.30	13.00	13.70
14	10.60	11.05	11.65	12.25	12.85	13.60	14.35
15	11.00	11.50	12.10	12.75	13.40	14.20	15.00
16	11.40	11.90	12.60	13.25	13.95	14.80	15.65
17	11.80	12.35	13.05	13.80	14.50	15.40	16.30
18	12.20	12.75	13.55	14.30	15.05	16.00	16.95
19	12.60	13.20	14.00	14.80	15.60	16.60	17.60
20	13.00	13.65	14.45	15.30	16.15	17.20	18.25
21	13.40	14.05	14.95	15.80	16.70	17.80	18.90
22	13.80	14.50	15.40	16.35	17.25	18.40	19.55
23	14.20	14.90	15.90	16.85	17.80	19.00	20.20
24	14.60	15.35	16.35	17.35	18.35	19.60	20.85
25	15.00	15.80	16.80	17.85	18.90	20.20	21.50
26	15.40	16.20	17.30	18.35	19.45	20.80	22.15
27	15.80	16.65	17.75	18.90	20.00	21.40	22.80
28	16.20	17.10	18.35	19.40	20.55	22.00	23.45
29	16.60	17.50	18.70	19.90	21.10	22.60	24.10
30	17.00	17.95	19.15	20.40	21.65	23.20	24.75
31	17.40	18.35	19.65	20.90	22.20	23.80	25.40
32	17.80	18.80	20.10	21.45	22.75	24.40	26.05
33	18.20	19.20	20.60	21.95	23.30	25.00	26.70
34	18.60	19.65	21.05	22.45	23.85	25.60	27.35
35	19.00	20.10	21.50	22.95	24.40	25.20	28.00

POUNDS (up to and including)	ZONES 3	4	5	6	7	8	9
36	19.40	20.50	22.00	23.45	24.95	26.80	28.65
37	19.80	20.95	22.45	24.00	25.50	27.40	29.30
38	20.20	21.40	22.95	24.50	26.05	28.00	29.95
39	20.60	21.80	23.40	25.00	26.60	28.60	30.60
40	21.00	22.25	23.85	25.50	27.15	29.20	31.25
41	21.40	22.65	24.35	26.00	27.70	29.80	31.90
42	21.80	23.10	24.80	26.55	28.25	30.40	32.55
43	22.20	23.50	25.30	27.05	28.80	31.00	33.20
44	22.60	23.95	25.75	27.55	29.35	31.60	33.85
45	23.00	24.40	26.20	28.05	29.90	32.20	34.50
46	23.40	24.80	26.70	28.55	30.45	32.80	35.15
47	23.80	25.25	27.15	29.10	31.00	33.40	35.80
48	24.20	25.65	27.65	29.60	31.55	34.00	36.45
49	24.60	26.10	28.10	30.10	32.10	34.60	37.10
50	25.00	26.55	28.55	30.60	32.65	35.20	37.75
51	25.40	26.95	29.05	31.10	33.20	35.80	38.40
52	25.80	27.40	29.50	31.65	33.75	36.40	39.05
53	26.20	27.80	30.00	32.15	34.30	37.00	39.70
54	26.60	28.25	30.45	32.65	34.85	37.60	40.35
55	27.00	28.70	30.90	33.15	35.40	38.20	41.00
56	27.40	29.10	31.40	33.65	35.95	38.80	41.65
57	27.80	29.55	31.85	34.20	36.50	39.40	42.30
58	28.20	30.00	32.35	34.70	37.05	40.00	42.95
59	28.60	30.40	32.80	35.20	37.60	40.60	43.60
60	29.00	30.85	33.25	35.70	38.15	41.20	44.25
61	29.40	31.25	33.75	36.20	38.70	41.80	44.90
62	29.80	31.70	34.20	36.75	39.25	42.40	45.55
63	30.20	32.10	34.70	37.25	39.80	43.00	46.20
64	30.60	32.55	35.15	37.75	40.35	43.60	46.85
65	31.00	33.00	35.60	38.25	40.90	44.20	47.50
66	31.40	33.40	36.10	38.75	41.45	44.80	48.15
67	31.80	33.85	36.55	39.30	42.00	45.40	48.80
68	32.20	34.25	37.05	39.80	42.55	46.00	49.45
69	32.60	34.70	37.50	40.30	43.10	46.60	50.10
70	$33.00	$35.15	$37.95	$40.80	$43.65	$47.20	$50.75

1/ For each collection stop, add $5.25 per occurrence.

SCHEDULE G-1

Special Services: Address Corrections

Description	Fee
Per Correction	$ 0.25

SCHEDULE G-2

Special Services: Certificates of Mailing

Description	Fees (in addition to postage)
Individual Pieces	
Original certificate of mailing for individually listed pieces of all classes of ordinary mail	$ 0.15 each
Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified and c.o.d. mail	0.15 each
Bulk Pieces	
Identical pieces of first- and third-class mail paid with ordinary stamps, precanceled stamps or meter stamps:	
Up to 1,000 pieces (1 certificate for total number)	0.75
Each additional 1,000 pieces or fraction	0.15
Duplicate copy	0.15

SCHEDULE G-3

Special Services: Certified Mail

Description	Fees (in addition to postage)
Per-piece	$ 0.80

SCHEDULE G-4

Special Services: Collect on Delivery

Amount to be Collected, or Insurance Coverage Desired	Fees (in addition to postage)
$ 0.01 to $ 10	$ 1.10
10.01 to 25	1.35
25.01 to 50	1.65
50.01 to 100	1.95
100.01 to 200	2.30
200.01 to 300	2.75
300.01 to 400	3.25
Notice of nondelivery of C.O.D.	1.00
Alteration of C.O.D. charges or designation of new addressee	1.00
Registered C.O.D.	1.40

SCHEDULE G-5

Special Services: Dead Letter Return

Description	Fee
Per-piece (first-class letters and parcels only)	$ 0.40

SCHEDULE G-6

Special Services: Insured Mail

Liability	Fees (in addition to postage)
$ 0.01 to $ 15	$ 0.50
15.01 to 50	0.85
50.01 to 100	1.10
100.01 to 150	1.40
150.01 to 200	1.75
200.01 to 300	2.25
300.01 to 400	2.75

SCHEDULE G-7

Special Services: LockBox/Caller Service

A. RENTAL RATES FOR LOCKBOXES

Cubic inch capacity of lockboxes	Fee per semi-annual period				
	TO 265	266 to	500 to	1,000 to	2,000 and over
Box size	1	2	3	4	5
Group I:					
Subgroup A	$14	$20	$28	$40	$55
Subgroup B	10	14	20	30	40
Subgroup C	8	11	15	24	30
Group II:					
Subgroup D	2.50	4	5	7.50	10
Subgroup E	2	3	4	6	8
Subgroup F	1.50	1.50	1.50	1.50	1.50

B. CALLER SERVICE

Description	Fees
For Caller Service (semi-annual)	$60
For Each Reserved Call Number (annual)	10

SCHEDULE G-8

Special Services: Meter Setting On Site

Description	Fees
Meter Company Adjustments:	$ 5
All Other Meter Settings:	
First Meter	
By Appointment	7
Unscheduled Request	12
Additional Meters	3.50 each

SCHEDULE G-9

Special Services: Money Orders

Amount	Fee
$ 0.01 to $ 10	$ 0.55
10.01 to 50	0.80
50.01 to 400	1.10
APO-FPO	
$ 0.01 to $400	$ 0.20

SCHEDULE G-10

Special Services: Parcel Air Lift

Description	Fees (in addition to parcel postage)
Up to 2 pounds	$ 0.25
Over 2 up to 3 pounds	0.50
Over 3 up to 4 pounds	0.75
Over 4 pounds	1.00

SCHEDULE G-11

Special Services: Permit Imprints

Description	Fee
Per permit	$30

SCHEDULE G-12

Special Services: Registered Mail

Value	Fees (in addition to postage) For Articles Not Covered By Commercial Or Other Insurance	Fees (in addition to postage) For Articles Also Covered By Commercial Or Other Insurance
$ 0.00 to $ 100	$ 3.00	$ 3.00
$ 100.01 to $ 200	3.30	3.30
$ 200.01 to $ 400	3.70	3.70
$ 400.01 to $ 600	4.10	4.10
$ 600.01 to $ 800	4.50	4.50
$ 800.01 to $ 1,000	4.90	4.90
$ 1,000.01 to $ 2,000	5.30	$4.90 plus handling charge of 35 cents per $1,000 or fraction over first $1,000
$ 2,000.01 to $ 3,000	5.70	
$ 3,000.01 to $ 4,000	6.10	
$ 4,000.01 to $ 5,000	6.50	
$ 5,000.01 to $ 6,000	6.90	
$ 6,000.01 to $ 7,000	7.30	
$ 7,000.01 to $ 8,000	7.70	
$ 8,000.01 to $ 9,000	8.10	
$ 9,000.01 to $10,000	8.50	
$10,000.01 to $11,000	8.90	
$11,000.01 to $12,000	9.30	
$12,000.01 to $13,000	9.70	
$13,000.01 to $14,000	10.10	
$14,000.01 to $15,000	10.50	
$15,000.01 to $16,000	10.90	
$16,000.01 to $17,000	11.30	
$17,000.01 to $18,000	11.70	
$18,000.01 to $19,000	12.10	
$19,000.01 to $20,000	12.50	
$20,000.01 to $21,000	12.90	
$21,000.01 to $22,000	13.30	
$22,000.01 to $23,000	13.70	
$23,000.01 to $24,000	14.10	
$24,000.01 to $25,000	14.50	
$25,000 to $1,000,000 Proposed	$14.50 plus handling charge of $0.35 cents per $1,000 or fraction over first $25,000.	
$1,000,000 to $15,000,000	$355.75 plus handling charge of 30 cents per $1,000 or fraction over first $1,000,000	$354.55 plus handling charge of 30 cents per 1,000 or fraction over first $1,000,000
Over $15,000,000	Additional charges may be made based on considerations of weight, space and value.	

SCHEDULE G-13

Special Services: Restricted Delivery

Description	Fee (in addition to postage)
Per-piece	$ 0. 80

SCHEDULE G-14

Special Services: Return Receipts

Description	Fees (in addition to postage)
Requested at time of Mailing	
Showing to whom (signature) and date delivered	$ 0.45
Showing to whom (signature), date and address where delivered	0.55
Requested after Mailing	
Showing to whom and date delivered	2.10

SCHEDULE G-15

Special Services: Second-Class Applications

Type	Fees
Original Entry	$120
News Agents	30
Re-entry	30
Additional Entry (all zones)	50

SCHEDULE G-16

Special Services: Special Delivery

Class/Weight	Fees (in addition to postage)
First-Class and Priority Mail	
Not more than 2 pounds	$ 2.00
Over 2 but not over 10 pounds	2.25
Over 10 pounds	2.85
All Other Classes	
Not more than 2 pounds	2.25
Over 2 but not over 10 pounds	2.85
Over 10 pounds	3.25

SCHEDULE G-17

Special Services: Special Handling

Weight	Fees (in addition to postage)
Not more than 10 pounds	$ 0.70
Over 10 pounds	1.25

SCHEDULE G-18

Special Services: Stamped Envelopes

Type	Price
Single Sale	$0.03
Bulk (500) #6-3/4 size	
Regular	4.50
Window	5.00
Precanceled	4.50
Bulk (500) #10 size	
Regular	5.50
Window	6.00
Precanceled	5.50
Printing Charge Per 500 Envelopes	
Minimum Order (500 Envelopes)	2.50
Orders for 1,000 or more Envelopes	2.50

SCHEDULE G-19

Special Services: Zip Coding of Mailing Lists

Description	Fee
Per thousand addresses	$23

SCHEDULE 1

Second-Class Phased Rates: In-County

Rate Category	Phased Rates (cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
Pound-Rate Matter:											
Per Pound	2.1	2.5	2.8	3.1	3.4	3.8	4.1	4.4	4.7	5.1	5.4
Per piece	0.8	1.1	1.3	1.6	1.8	2.1	2.4	2.6	2.9	3.1	3.4

SCHEDULE 2

Second-Class Phased Rates: Publications of Authorized Nonprofit Organizations, Outside County

Rate Category	Phased Rates (cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
Per Pound											
Non-advertising portion	4.4	5.0	5.7	6.4	7.1	7.8	8.5	9.1	9.8	10.5	11.2
Advertising Portion											
Zones 1 & 2	6.9	7.8	8.7	9.6	10.5	11.4	12.2	13.1	14.0	14.9	15.8
3	7.6	8.5	9.4	10.3	11.2	12.1	13.0	13.8	14.7	15.6	16.5
4	9.1	9.9	10.8	11.6	12.5	13.3	14.2	15.0	15.9	16.7	17.6
5	10.8	11.6	12.5	13.4	14.3	15.2	16.1	17.0	17.9	18.8	19.7
6	12.0	13.1	14.1	15.2	16.2	17.3	18.3	19.4	20.4	21.5	22.5
7	13.0	14.2	15.4	16.6	17.8	19.0	20.2	21.5	22.7	23.9	25.1
8	13.9	15.3	16.6	18.0	19.4	20.8	22.1	23.5	24.9	26.2	27.6
Per-Piece	1.3	1.7	2.1	2.6	3.0	3.4	3.9	4.3	4.7	5.2	5.6

SCHEDULE 3

Second-Class Phased Rates: Classroom Publications, Outside County

Rate Category	Phased Rates (cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
Per-Pound											
Non-advertising portion	3.3	3.5	3.7	3.9	4.1	4.3	4.5	4.8	5.0	5.2	5.4
Advertising Portion											
Zones 1 & 2	4.3	4.6	4.9	5.2	5.4	5.7	6.0	6.3	6.6	6.9	7.2
3	5.0	5.2	5.5	5.8	6.0	6.3	6.5	6.8	7.1	7.3	7.6
4	6.2	6.4	6.7	7.0	7.3	7.5	7.8	8.1	8.4	8.6	8.9
5	8.0	8.3	8.6	9.0	9.3	9.6	9.9	10.2	10.6	10.9	11.2
6	10.0	10.4	10.8	11.3	11.7	12.1	12.5	12.9	13.4	13.8	14.2
7	11.4	11.9	12.5	13.1	13.6	14.2	14.7	15.3	15.9	16.4	17.0
8	13.1	13.7	14.3	14.9	15.4	16.0	16.6	17.2	17.7	18.3	18.9
Per-Piece	0.8	1.1	1.3	1.5	1.7	1.9	2.1	2.4	2.6	2.8	3.0

SCHEDULE 4

Second-Class Phased Rates: Regular Rate Publications, Outside County

Rate Category	Phased Rates (Cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
Per Pound											
Non-advertising portion	9.0	11.0	13.1								
Advertising Portion											
Zones 1 & 2	12.0	14.7	17.5								
1 & 2*	7.0	7.9	8.7	9.6	10.5	11.4	12.3	13.2	14.0	14.9	15.8
3	12.9	15.6	18.4								
4	14.4	17.1	19.9								
5	16.6	19.7	22.7								
6	19.1	22.6	26.0								
7	21.4	25.4	29.4								
8	23.7	27.8	31.8								
Per-Piece**	3.7	5.4	7.0								
Per-Piece***	3.2	4.3	5.4								
Per-Piece****	2.8	3.6	4.4								
Per-Piece*****	1.2	1.6	2.1	2.6	3.1	3.5	4.0	4.5	5.0	5.4	5.9
Per-Piece******	1.0	1.3	1.7	2.0	2.3	2.7	3.0	3.3	3.6	4.0	4.3

*Science of Agriculture publications.

**Publications mailing 5,000 or more copies per issue outside county of publication, Category A: Outgoing/incoming distribution required (SCF, states, and mixed states).

***Publications mailing 5,000 or more copies per issue outside county of publication, Category B: Incoming distribution only required (3-digit city and 5-digit).

****Publications mailing 5,000 or more copies per issue outside county of publication, Category C: By-pass outgoing and incoming distribution (carrier route or finer).

*****Publications mailing fewer than 5,000 copies per issue outside county of publication not presorted to 3-digit city/5 digits.

******Publications mailing fewer than 5,000 copies per issue outside county of publication presorted to 3-digit city/5 digits.

SCHEDULE 5

Controlled Circulation Phased Rates

Rate Category	Phased Rates (cents)		
	Year		
	6	7	8
Per-Pound	12.3	13.8	15.3
Per-Piece	4.1	4.9	5.8

SCHEDULE 7

Fourth-Class Phased Rates: Special and Library

Rate Category	Phased Rates (cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
Special:											
First Pound, Regular Rate	36.0	48.0	59.0								
First Pound, Discount Level A	33.3	42.6	52.0								
First Pound, Discount Level B	34.4	44.7	55.0								
Each Additional Pound Thru 7 Pounds	14.0	18.0	22.0								
Each Additional Pound	10.0	11.0	13.0								
Library:											
First Pound	11.0	14.0	17.0	19.0	22.0	25.0	27.0	30.0	33.0	35.0	38.0
Each Additional Pound Thru 7 Pounds	5.0	5.0	6.0	7.0	8.0	9.0	10.0	10.0	11.0	12.0	13.0
Each Additional Pound	4.0	4.0	5.0	5.0	5.0	6.0	6.0	6.0	6.0	7.0	7.0

SCHEDULE 6

Third-Class Phased Rates: Nonprofit Bulk

Rate Category	Phased Rates (cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
Per-Pound											
Ordinary Matter	15.0	17.0	19.0	20.0	22.0	24.0	26.0	28.0	30.0	32.0	34.0
Books, Catalogs, Etc.	12.0	14.0	16.0	17.0	19.0	21.0	22.0	24.0	26.0	27.0	29.0
Minimum-Per-Piece	2.4	2.7	3.1	3.5	3.9	4.2	4.6	5.0	5.4	5.7	6.1

[6820-40]

THE PRESIDENT'S COMMISSION ON MENTAL HEALTH

Termination

In accordance with Executive Order 11973, signed by President Carter, the President's Commission on Mental Health having competed its work will terminate its operations effective May 31, 1978.

The Commission's Report to the President was officially released to the public April 27, 1978, and can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The official records of the Commission will reside at the National Archives.

Dated: May 22, 1978.

BENEDICT J. LATTERI,
Administrative Officer, President's Commission on Mental Health.

[FR Doc. 78-14881 Filed 5-26-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10248; 812-2382]

BUILDERS RESOURCES CORP.

Filing of Application for Order Rescinding Prior Order Exempting Applicant From all the Provisions of the Act.

MAY 18, 1978.

Notice is hereby given, that Builders Resources Corp. ("Applicant"), 431 North Frederick Avenue, Suite 207, Gaithersburg, Md. 20760, a Delaware corporation, filed amendments to its application on September 29, 1977, November 2, 1977, and April 27, 1978, requesting an order of the Commission rescinding an earlier Commission order which, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), conditionally exempted Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated under the laws of the State of Delaware on August 11, 1967, for the purpose of providing equity financing for residential construction through the formation of limited partnerships or joint ventures with builders throughout the country. Applicant organized separate partnerships for each project with the builder, as the general partner, and Applicant, as the limited partner. In some instances Applicant used a joint venture instead of a limited partnership. Applicant states that each formation by it of such a joint venture or limited partnership may have constituted the investment by Applicant in a "security" as defined in section 2(a)(35) of the Act, and that hence Applicant may have been deemed to be an investment company under the Act.

Accordingly, Applicant filed an application with the Commission on September 5, 1968, pursuant to section 6(c) of the Act, for an order of the Commission exempting Applicant from all the provisions of the Act. Based upon the information supplied by Applicant, the Commission issued an order on April 17, 1969, pursuant to section 6(c) of the Act (Investment Company Act Release No. 5654), declaring Applicant to be exempt from all the provisions of the Act, subject to two conditions which were consented to by Applicant. The two conditions are as follows:

(a) Applicant shall not issue securities, and Applicant's stockholders shall not transfer any securities of Applicant held by such stockholders, to any persons other than Applicant's present stockholders or pursuant to options granted under Applicant's Qualified Stock Option Plan to Officers of Applicant and any subsequently acquired subsidiaries of Applicant and to Area Managers of Applicant, not exceeding total of 20 persons, unless Applicant shall notify the staff of the Commission at least 30 days prior to such issuance or transfer, although such period may be reduce by the staff on request of Applicant, and if, within 25 days of receipt of such notice, the staff shall notify Applicant that a substantial question exists whether the proposed issuance or transfer affects the grounds upon which the requested Order was granted, Applicant shall not issue any security to any such person, and no stockholder of Applicant shall transfer to such person any security of Applicant held by such stockholder, unless the Commission has entered an Order permitting the proposed issuance or transfer of securities pursuant to an application under the Act filed by Applicant.

(b) Any stockholder of Applicant which has a stock that is publicly traded shall not invest more than 5% of its total assets in Applicant, provided however, that if any stockholder of Applicant does not have a publicly traded stock but is a subsidiary of a publicly held corporation, that the total assets of such publicly held corporation shall be considered for purpose of this condition.

This Commission order was issued at a time when Applicant had eight stockholders, each of which was a corporation, and six of which were publicly owned corporations. Applicant's stockholders and their respective stock interests were as follows:

STOCK SHARES

Name	Common	Preferred
American Standard, Inc	1,350	1,670
CNA Realty Corp	1,350	1,670
National Gypsum Co	1,350	1,670
The Stanley Works	1,350	1,670
Whirlpool Corp	1,350	1,670
U.S. Plywood-Champion Papers, Inc	1,350	1,670
Donaldson, Lufkin & Jenrette, Inc	950	None
Property Research Corp	950	None
Total	10,000	10,020

Applicant represents that by letters dated December 13, 1971, and January 21, 1974, the staff of the Commission was given notice pursuant to the above order of the following transactions:

(a) The sale of a controlling interest in Applicant to Moller Steamship Co., Inc. by seven of Applicant's corporate stockholders.

(b) The issuance by Applicant of $1,000,000 of its 7½ percent preferred stock to Moller Industries, Inc. ("Moller") a wholly owned subsidiary of Moller Steamship Co., Inc.

(c) Transfer to Robert L. Thompson (Mr. Thompson), President and Chief Executive Officer of Applicant, of 2,587,283 shares of Applicant's common stock.

Applicant states that each of the foregoing transactions was consummated on the terms presented to the staff of the Commission subject to certain minor changes that were requested by the staff of the Commission. Applicant further states that by letters dated February 20, 1976, June 28, 1976, and July 5, 1977, the staff of the Commission was notified of two additional transactions involving (i) the repurchase by Applicant of its debentures formerly held by CNA Realty Corporation; and (ii) the repurchase by Applicant of its remaining outstanding debentures and 582,138 shares of its outstanding common stock. (The common stock was owned by one of the debenture holders and represented 13.5 percent of Applicant's total outstanding common stock.)

Applicant represents that in May, 1977, Applicant transferred substantially all of its assets to two wholly owned subsidiaries ("Subsidiaries") in consideration of the Subsidiaries' issuance of their respective common stock to Applicant and the Subsidiaries' assumption of all of the liabilities and obligations of Applicant. Applicant further represents that concurrent with such transfer, Applicant and its President, Mr. Thompson, executed an agreement with the Subsidiaries whereby Mr. Thompson and Applicant agreed to provide management services and office facilities for the Subsidiaries.

Applicant states that Citibank, N.A. and Moller, Applicant's major credi-

tors, have agreed to the Subsidiaries' assumption of Applicant's indebtedness to such creditors and have released Applicant from all such indebtedness. Applicant further states that Moller has contributed back to the capital of Applicant all of Applicant's common and preferred stock and all rights to acquire such stock held by Moller.

Applicant represents that the following summarizes the results of the foregoing recapitalization transactions:

(a) Applicant now has only nominal assets and liabilities, and its current business activities consist solely of liquidating the assets transferred to the Subsidiaries for the benefit of creditors.

(b) Apart from liquidating the assets of the Subsidiaries, Applicant's future business activities have not yet been formulated; however, Applicant states that it definitely will not provide equity financing for residential construction through the medium of limited partnership agreements entered into between Applicant and the builder/developer.

(c) All of Applicant's outstanding common stock (2,587,283 shares) is owned by Mr. Thompson, President of Applicant. There are no other securities of Applicant currently outstanding.

Applicant now seeks an order of the Commission rescinding the earlier Commission order conditionally exempting Applicant from all the provisions of the Act. In support of its requested Commission order Applicant states that the current and future business activities of Applicant are substantially different from those existing at the time the Commission's above order was issued. Applicant represents that it is not presently, and does not intend to be in the future, engaged primarily in the business of investing, reinvesting, or trading in securities. Applicant further represents that Applicant presently has only one stockholder and does not contemplate making a public offering of securities. Applicant states that although it has fully complied with the conditions contained in the above order of the Commission, it believes that its current business activities no longer justify its continued compliance with those conditions. Applicant further states that based on the significant changes that have occurred in its business operations since the entry of the above Commission order it no longer desires to rely on the provisions of that order for exemption from all the provisions of the Act. Finally, Applicant submits that the facts set forth above demonstrate that its continued compliance with the above Commission order is not necessary in the public interest, nor consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, That any interested person may, not later than June 12, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14827 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 20548]

CONSOLIDATED NATURAL GAS CO., ET AL.

Proposal To Make Loans to Residential Heating Customers To Finance Home Insulation Installment and To Acquire Promissory Notes

MAY 18, 1978.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), a registered holding company, the East Ohio Gas Co., the River Gas Co., and West Ohio Gas Co. (collectively referred to as "the subsidiaries"), all of which are wholly owned subsidiaries of Consolidated, have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act and Rule 40 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application for a complete statement of the proposed transaction.

The subsidiaries seek authorization to conduct, in accordance with a new law of the State of Ohio, a residential insulation financing program ("program") and to acquire unsecured installment promissory notes from residential gas space heating customers pursuant to the program. Under the program, each subsidiary will lend qualified residential heating customers amounts up to $750 for each home for installation of insulation in owner-occupied, single or double family, gas-heated residences, if a financial institution listed as an institution that will finance such installations denies a loan to any such customers.

It is stated that the term of the loans under the proposed program shall not exceed 24 months. The interest charged on such loans will not exceed a rate equal to 4 percent in excess of the discount rate on 90-day commercial paper in effect at the Federal Reserve Bank, Fourth Federal Reserve District, at the time the loan is executed. The discount rate on 90-day commercial paper in effect on May 9, 1978, at the Federal Reserve Bank, Fourth Federal Reserve District, was quoted at 6⅞ percent to 7 percent. At the end of the first year, the subsidiary shall set the rate of interest charged so that revenues derived therefrom will equal the cost of administering the program. It is stated that if costs exceed 4 percent over the commercial paper discount rate, the excess will be assumed by the subsidiary. When cost are less than the revenues recovered from interest charges, customers who had loans outstanding during that year, will be credited in an amount in proportion to their respective loans and interest payments during the year. The credit will be applied against the customer's unpaid balance or bill the following year. Repayment within 90 days will be treated as cash and will incur no interest.

The maximum amount of loans, outstanding at any one time from all the subsidiaries during the years 1978, 1979, and 1980 shall not exceed $175,000, $337,500, and $500,000, respectively. The maximum amount of loans outstanding at any one time for each individual subsidiary will be as follows:

Subsidiary	Amounts		
	1978	1979	1980
The East Ohio Gas Co	$150,000	$300,000	$450,000
The River Gas Co	10,000	15,000	20,000
West Ohio Gas Co	15,000	22,500	30,000
Total	175,000	337,500	500,000

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $3,100, including charges for services of Consolidated Natural Gas Service Company, Inc. estimated at $1,000. It is stated that

no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 13, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted, as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14828 Filed 5-26-78; 8:45 am]

[8010-01]

[Rel. No. 10249]

FARM BUREAU MUTUAL FUND, INC.

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased To Be An Investment Company

MAY 19, 1978.

Notice is hereby given that Farm Bureau Mutual Fund, Inc. ("applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Securities and Exchange Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on April 8, 1977, at a meeting of its stockholders, a proposal was approved to transfer substantially all of applicant's assets to Challenger Investment Fund, Inc. ("Challenger"). On April 28, 1977, applicant transferred substantially all of the assets of applicant to Challenger in consideration for 921,732.404 shares of capital stock of Challenger, each having a per share value of $9.80 on April 27, 1977.

Applicant states that it retained $117,147.43 to cover the expenses of liquidation and other known and contingent liabilities. Of the retained sum applicant paid $30,806.55 for expenses in connection with the merger. Applicant further represents that it has no security holders because all former holders have either received cash for their interests or exchanged their shares for securities of Challenger, that it is not engaging and does not propose to engage in business activities other than winding up its affairs, and that it has not operated as an investment company since April 28, 1977.

Notice is further given that any interested person may, not later than June 12, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14829 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 20549]

GULF POWER CO.

Proposed Acquisition of Utility Assets by Operating Subsidiary

MAY 18, 1978.

Notice is hereby given that Gulf Power Co. ("Gulf"), a wholly owned subsidiary of the Southern Co. ("Southern"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 9(a)(1) and 10 of the Act as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Gulf proposes to purchase from Florida Power Corp. ("Florida"), a corporation organized and existing under the laws of the State of Florida, a portion of a certain 115 kV transmission line located in Bay County, Fla. The affected portion of the transmission line, a facility for local distribution of electric power, is located beyond the point of interconnection of the Gulf and Florida systems and is approximately 2.1 miles long. It is stated that Gulf is to pay a cash purchase price of $146,090 for such portion of the transmission line. The depreciated value of said property is stated to be $229,614.

It is further stated that said purchase will provide Gulf with access to a substation built and owned by Gulf which is presently connected by tap line to the transmission line. Gulf expects to maintain and operate said transmission line in essentially the same manner and for essentially the same purposes as theretofore maintained and operated by Florida.

It stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed acquisition. The fees and expenses to be paid or incurred, directly or indirectly, in connection with the proposed transaction are estimated to be $3,000.

Notice is further given that any interested person may, not later than June 13, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filling which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affi-

davit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14830 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 20551]

MIDDLE SOUTH UTILITIES, INC.

Proposal To Enter Into a Revolving Credit Agreement With Banks

MAY 19, 1978.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Middle South propses to enter into a $174.8 million revolving credit agreement ("credit agreement") providing for the issuance and sale by Middle South of its unsecured short-term promissory notes to a group of commercial banks headed by Manufacturers Hanover Trust Co. ("MHTC").

Under the terms of the credit agreement, Middle South may borrow and reborrow until June 29, 1979, up to an aggregate principal amount of $174.8 million outstanding at any one time, to be evidenced by its unsecured promissory notes payable on June 29, 1979 ("notes"). The notes will be issued to the participating banks to the extent of their respective participations (collectively, the "commitments") as follows:

Name of bank	Designation	Maximum principal amount to be borrowed
Manufacturers Hanover Trust Co	B	$49,040,000
The First National Bank of Chicago	A	28,000,000
Bank of America National Trust & Savings Association	B	20,000,000
Continental Illinois National Bank & Trust Co. of Chicago	B	16,000,000
The First National Bank of Boston	B	12,000,000
The Northern Trust Co	A	8,880,000
Irving Trust Co	B	8,880,000
Morgan Guaranty Trust Co. of New York	A	8,000,000
North Carolina National Bank	B	8,000,000
First Pennsylvania Bank, N.A.	A	4,000,000
The Fidelity Bank	A	4,000,000
Crocker National Bank	A	4,000,000
Hartford National Bank & Trust Co	A	4,000,000
Total		174,800,000

Each borrowings and each payment by Middle South will be pro rata among the participating banks according to their respective original commitments, with appropriate adjustment for the interest rate differentials.

The notes issued to those banks designated as A Banks in the credit agreement will bear interest from the date thereof on their unpaid principal amount at a rate per annum equal to the commercial loan rate of MHTC from time to time in effect on borrowings having a 90-day maturity by its most responsible and substantial domestic corporate borrowers; and the notes issued to those banks designated as B Banks in the credit agreement will bear interest from the date thereof on their unpaid principal amount at a rate per annum equal to 110 percent of the MHTC rate. Interest on the notes will be payable quarterly on the last business day of each September, December, March, and June, commencing September 29, 1978, or upon payment of the unpaid principal amount thereof Middle South will agree to pay to each participating bank a commitment fee for the period from June 29, 1978, to and including June 29, 1979 (or any earlier date of termination of the commitments), computed at the rate of one-half of 1 percent per annum on the average daily unused portion of the commitments in effect during the period for which payment is made. Such commitment fee will be payable to each participating bank quarterly on the last business day of each September, December, March, and June, commencing September 29, 1978, and on the date upon which Middle South shall terminate the commitments.

Based upon an MHTC rate of 8 percent per annum, the weighted average interest cost of the proposed borrowings to be outstanding from the A banks, assuming balances of 10 percent on the borrowings from the A banks, would be 8.89 percent per annum, and the weighted average interest cost of the proposed borrowings to be outstanding from the B banks would be 8.80 percent per annum.

Middle South presently intends to repay the notes out of the proceeds of the sale of additional shares of its common stock. The notes will be prepayable at any time on two business days' notice in whole or in part without premium. Middle South shall have the right at any time on three business days' notice to the participating banks to terminate or, from time to time, to reduce the commitments, at which time it will prepay the notes and accrued interest thereon to the extent that the aggregate principal amount thereof then exceeds the commitments.

The initial borrowing under the credit agreement will be used for the payment of short-term notes issued by Middle South to MHTC and various commercial banks under an existing credit agreement dated as of June 30, 1977, which borrowings were approved by this Commission on June 15, 1977 (HCAR No. 20074). As of February 28, 1978, such notes payable amounted to $35 million, and it is estimated that at the time the initial borrowing is made under the credit agreement such notes payable will amount to approximately $87 million. The proceeds of the borrowings under the existing credit agreement were, or will have been, utilized by Middle South to purchase, at various times, the common stocks of certain of its subsidiary companies.

Subsequent borrowings under the credit agreement will be used by Middle South to purchase additional common stock of its subsidiaries. The issuance and acquisition of such common stock will be the subject of separate filings with this Commission by Middle South and the appropriate subsidiary, and these filings will set forth the purpose or purposes toward which the proceeds derived from the sale of such common stock will be used.

It is stated that no special or separate fees, commissions or expenses are anticipated in connection with the proposed transactions. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 14, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he

may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personnally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of The General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rule 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14831 Filed 5-26-78; 8:45 a.m.]

[8010-01]

[Release No. 34-14788; File No. SR-MSE-78-13]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on May 12, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's statement of the terms of substance of the proposed rule change: Options fees schedule charges

Fee	From	To
Annual dues (billed quarterly):		
Options-only member	$800	$1,000
Equity member with privilege	500	700
Options-only member equity floor access fee	(1)	200
Badge fee	200	(2)

[1]New fee.
[2]Eliminated.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of this change is to increase the annual dues for options members, eliminate the badge fee, and establish an equity floor access fee.

The proposed rule change represents an equitable allocation of reasonable dues among its members using its facilities.

The Midwest Stock Exchange, Inc. has neither solicited nor received any comments.

The Midwest Stock Exchange, Inc. believes that no burdens have been placed on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 22, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14836 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 14781]

MUNICIPAL SECURITIES RULEMAKING BOARD

Order Approving Proposed Rule Change

MAY 18, 1978.

On April 3, 1978, the Muncipal Securities Rulemaking Board (the "MSRB") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change to change the date on which the MSRB examination requirement for financial and operations principals (as defined in MSRB rule G-3) becomes effective from July 1, 1978 to January 1, 1979. The purpose of the proposed rule change is to provide persons subject to such requirement additional time to prepare for the examination.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14643 (Apr. 10, 1978)) and by publication in the FEDERAL REGISTER (43 FR 15821 (Apr. 14, 1978)). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were made available to the public at the Commission's Public Reference Room (File No. SR-MSRB-78-7).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14832 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 14772; File Nos. SR-NSCC-78-4; SR-NSCC-78-5]

NATIONAL SECURITIES CLEARING CORP.

Summary Effectiveness of Proposed Rule Changes

MAY 18, 1978.

On April 24 and May 3, 1978, respectively, National Securities Clearing Corp. ("NSCC") filed, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, proposed rule changes for establishing over-the-counter ("OTC") interfaces. NSCC-78-4 would establish OTC interfaces with Midwest Clearing Corp. ("MCC") and Stock Clearing Corp. of Philadelphia ("SCCP") by authorizing the NSCC National Clearing Corp. Division to act on behalf of other clearing agencies in clearing transactions. NSCC-78-5 would permit, among other things, the NSCC Stock Clearing Corp. Division ("SCC Division") to interpose itself in those interfaces so that MCC and SCCP

would have to relate only to the SCC Division with which they already have listed interfaces. By letter of May 15, 1978, NSCC amended both filings: (1) to make the proposed rule changes temporary rules expiring 6 months after approval by the Commission, and (2) to indicate that NSCC will provide the Commission with such statistics and information as may be necessary to enable the Commission to review the operation of those interfaces.

The Commission has permitted these proposed rules to be put into effect summarily pursuant to section 19(b)(3)(B) of the Act. Section 19(b)(3)(B) permits proposed rule changes to be put into effect summarily if it appears to the Commission necessary for the protection of investors, the maintenance of fair and orderly markets, or the safeguarding of securities or funds. Section 19(b)(3)(B) of the Act requires that proposed rule changes put into effect summarily pursuant to Section 19(b)(3)(B) be filed promptly thereafter in accordance with the provisions of section 19(b)(1).

The Commission's determination to use the summary procedure reflects its belief that the prompt establishment of OTC interfaces is an essential step toward the national clearance and settlement system, which, in turn, is one of the fundamental elements of the national market system. And, section 17A of the Act provides that the "prompt and accurate clearance and settlement of securities transactions . . . [is] necessary for the protection of investors" and the Congressional directive to the Commission "to use its authority under [the Act] to facilitate the establishment of a national clearing system. . . ."

The Commission has already made findings concerning the need for the prompt development of a national clearing system, and the importance of interfaces to that system, in its order granting registration as a clearing agency to NSCC.[1] And, in the Commission's recent hearings regarding the national clearing system on March 7-10 and April 19-20, 1978, considerable public comment was elicited concerning the need for OTC interfaces and the competitive damage to regional clearing agencies resulting from delay in establishing those interfaces.

At those hearings, MCC and SCCP and their participants, who are the beneficiaries of the OTC interfaces, urged the Commission to expedite the establishment of these interfaces and have advised the Commission that the interfaces must be promptly established if they are to maintain competitive positions in the clearing industry.

Since there has already been public comment concerning OTC interfaces, the Commission believes that, although it is permitting the rule-changes to become effective prior to obtaining public comment pursuant to section 19(b)(2), it has nonetheless already had the benefit of extensive public comment concerning the subject matter of the rule changes. Moreover, those persons submitting comments after the rule changes are published for comment will be able to structure their comments and make them more meaningful, in light of experience using the new interfaces.

For these reasons, as well as the reasons already articulated in the Commission's Order which indicates the need for the prompt establishment of OTC interfaces, the Commission has found that summary effectiveness of NSCC's rule filings is necessary in the public interest in accordance with the standards set forth in section 19(b)(3)(B) of the Act.

Publication of notice of the proposed rule changes is expected to be made in the FEDERAL REGISTER during the week of May 15, 1978, pursuant to the requirement of section 19(b)(3)(B) of the Act that proposed rule changes put into effect summarily be filed promptly thereafter in accordance with the provisions of section 19(b)(1). The Commission, of course, retains the authority to abrogate these rule changes at anytime within 60 days of their filing, pursuant to section 19(b)(3)(C), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or to further the purposes of the Act.

Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File Nos. SR-NSCC-78-4 and SR-NSCC-78-5.

By the Commission:

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14826 Filed 5-26-78; 8:45 am]

[1]Securities Exchange Act Release No. 13163 (January 13, 1977).

[8010-01]

[Release No. 34-14755; File No. SR-NYSE-78-21]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 29, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PROCEDURE OF SELF-REGULATORY ORGANIZATION

The Board of Directors of the New York Stock Exchange at its January 5, 1978 meeting, approved the proposed rule amendments and rescissions. The membership approved the proposed amendments to the Constitution of the Exchange by vote on January 31, 1978. No further Board action or actions by the membership of the Exchange is required.

NYSE'S STATEMENT OF THE PURPOSE OF PROPOSED RULE CHANGES AND THE TERMS AND SUBSTANCE OF THOSE CHANGES

The proposed Amendments conform the Exchange's disciplinary rules to the provisions of the Act, e.g., by incorporating the provisions of 6(d)(1) into Rule 476 (d) and (e), and 6(b)(5) into Rule 476(a) (5) and (6). Other objectives that have been accomplished: (1) where appropriate, Constitutional sections have been integrated into the Rules of the Exchange to form a uniform body of enforcement regulations; and (2) certain procedural requirements have been amended and clarified, as concerning the composition of the Hearing Panel (Rule 476(b)) and a parties' right of review in a Stipulation and Consent procedure (Rule 476(g)).

The Exchange's disciplinary rules and procedures are set forth in Article XIV of the Consititution (concerning members, member organizations, allied members and approved persons) while similar provisions are found in Rule 345 pertaining to registered and nonregistered employees of members. Existing Article XIV is being deleted and a uniform body of enforcement regulations, applicable to all types of members and persons associated with members, has been created eliminating numerous redundancies and ambiguities. Due to the consolidation, the Exchange's enforcement authority will be simplified and clearly stated.

New Article XIV was adopted to comply with section 507(c) of the New York State Not-For-Profit Law which requires that the enforcement authority be provided in the Bylaws of a corporation. The NYSE has no Bylaws so it has provided that authority in its Constitution.

Rules 476 and 477 contain the basic provisions and procedures for the disciplining of members and persons associated with members for violations of the Act and Exchange rules. The proposal resolves questions raised by the Commission, such as requiring that a record be kept of disciplinary proceedings, which has been the Exchange practice (proposed Rule 476(e)).

It would permit the Exchange—in light of subsection 6(d)(1) of the Act—to prohibit or limit a person with respect to access to services offered by

the Exchange or by a member or member organization (proposed Rule 476(d) and (e)). Further, it would establish rights of review for parties to a proceeding involving a consent to a specified penalty, again assuring due process to respondents (proposed Rule 476(g)).

The Act permits the disciplining of members and persons associated therewith only for violations of the Act, the rules thereunder and the rules of the Exchange; reference to violating an "established practice of the Exchange" has been deleted.

Briefly, the proposed changes also include:

Concerning charges relating to floor activities, at least one of the peer-persons on the Hearing Panel must be active on the floor; conversely, charges relating to non-floor activities would require an "upstairs" person on the panel (proposed Rule 476(b)).

The disciplinary nature of a proceeding against a specialist for a subtantial or continued failure to engage in a course of dealings to maintain, as far as practicable, a fair and orderly market is recognized. Charges for an alleged violation will be brought in a disciplinary proceeding and the specialist would be subject to any disciplinary action set forth in the rule, including the suspension or cancellation of his registration in his speciality stock (proposed Rule 476(a) and (b)).

The maximum fine has been increased from a maximum of $25,000 ($100,000 for member organizations) per disciplinary action to $25,000/$100,000 for each charge of which the respondent has been found guilty (proposed Rule 476(a)).

The right of the Department entering into a Consent to appeal a Hearing Panel's reduction of a consented to penalty has been clarified (proposed Rule 476(g)).

Procedures for the determination of evidentiary and procedural matters have been incorporated in the rules (proposed Rule 476(c)).

Appeals to the Board of Directors have been limited to consideration of the record before the Hearing Panel except in cases wherein new evidence is alleged (proposed Rule 476(f)).

The rule adopts what has been an Exchange practice, i.e., making a record of all disciplinary proceedings (proposed Rule 476(e)).

The period of time for requesting a review has been extended from "within 20 days after notification of the determination" of 25 days from "service", to make at the time more easily determinable (proposed Rule 476(f)).

Procedures for effecting service has been defined in detail (proposed Rule 476(d)).

The Exchange could retain jurisdiction over a former member or persons associated therewith provided the former member or associated person has been given notice, either prior to or within 90 days after the time of his employment, that he is the subject of an investigation by the exchange (proposed Rule 477).

Basis Under the Act for Proposed Rule Change

The proposed Amendments to the Constitution together with the consolidation of rule provisions into a single rule, establishes a cohesive standard and a fair disciplinary procedure for the Exchange community, enabling the Exchange to more simply and equitably enforce compliance by its members and persons associated with its members, with the Act and the rules and regulations thereunder.

The proposed amendments would act to prevent fraudulent and manipulative acts by those subject to the rules; and under the spirit and letter of the rules, the amendments would promote just and equitable principles of trade while serving to facilitate the protection of investors and the public interest.

The consolidation and simplification of the Exchange Rules, as proposed in Rules 476 and 477, established under the authority of sections 6(b) and (d) of the Act, provides for the disciplining of members and persons associated with members for violations of the Act and rules of the Exchange.

The proposed constitutional and rule changes implement section 6(d) of the Act by imposing the requirements of the said Act, as:

(a) Specific charges are to be levied—proposed Rule 476(d);

(b) Notice of proceeding to be given respondent—proposed Rule 476(d);

(c) Opportunity for fair hearing afforded respondent—proposed Rule 476(d);

(d) Record of proceeding to be kept—proposed Rule 476(e);

(e) Any disciplinary action to be supported by an explanatory statement—proposed Rule 476 (e) and (g).

Comments Received from Members, Participants or Others on Proposed Rule Changes

Comments were not solicited on this proposal.

Burden on Competition

This proposal will not impose any burden on competition.

On or before June 29, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period toa be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

May 12, 1978.

[FR Doc. 78-14837 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 14780]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

May 18, 1978.

On March 22, 1978, the New York Stock Exchange, Inc. (the "NYSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change which would limit the term of service of public representatives on the NYSE Board of Directors to three consecutive terms of two years each. The proposed limitation on service of public representatives is the same as is presently in effect for members or allied members of the NYSE who are directors on the NYSE Board of Directors.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14642 (Apr. 10, 1978)) and by publication in the Federal Register (43 FR 15822 (Apr. 14, 1978)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NYSE and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the

above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14833 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 14787]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

MAY 19, 1978.

On April 5, 1978, the New York Stock Exchange, Inc. (the "NYSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change, which would permit persons who are not citizens of the United States to become directors on the NYSE Board of Directors.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14657 (Apr. 12, 1978)) and by publication in the FEDERAL REGISTER (42 FR 16581 (Apr. 19, 1978)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NYSE and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14834 Filed 5-26-78; 8:45 am]

[8010-01]

PACIFIC RESOURCES, INC.

Order Amending Effective Date of Withdrawal From Listing and Registration and Extending the Exemption of Certain Persons and Securities From the Provisions of Rule 17a-15

MAY 18, 1978.

On June 22, 1977 we approved the application of Pacific Resources, Inc. ("PRI") to withdraw its securities from listing and registration on the Pacific Stock Exchange Inc. ("PSE").[1] We prescribed as a term of that delisting that it not become effective until the time our determination with respect to the PSE's application for unlisted trading privileges in PRI common stock, but in no event later than 120 days after June 22, 1977.[2] On October 20, 1977 we amended the effective date of the delisting by extending it to November 21, 1977.[3] That date was extended again on November 21 until January 23, 1978,[4] on January 23, 1978 until March 24, 1978,[5] and on March 22, 1978 until May 19, 1978.[6]

We found that the initial delay in the effective date of the delisting and the extension until May 19, 1978 were necessary for two reasons. First, a temporary disruption in trading in PRI stock on the PSE would result in a lessening of potential competition among dealers and between exchange markets and markets other than exchange markets during any interim period after delisting, but before unlisted trading privileges are (if at all) granted. Second, we initially had noted that if the delisting were effective immediately, PRI stock would not be marginable for a period of several months until it was included on the Federal Reserve Board's "List of OTC Margin Stocks."[7]

Our ultimate determination on the PSE application for unlisted trading privileges in PRI stock involves the consideration of several major policy issues including, among others, whether sufficient progress has been made toward the development of a national market system to satisfy the standards of Section 12(f)(2), whether the progress contemplated by Congress in adopting that Section is met by PSE's rescission of its off-board trading rules as they apply to transactions in PRI common stock, whether that progress and the statutory goals of eliminating unnecessary burdens on competiton are satisfied by existing communications facilities and provisions for access between the PSE and over the counter ("OTC") markets, and whether last sale reporting of all PRI stock transactions would be appropriate should unlisted trading privileges be granted.

We have not yet resolved these issues insofar as they arise with respect to our consideration of the PSE application for unlisted trading privileges and, accordingly, we have been unable to complete our deliberations concerning the hearing on that application. We believe, however, that the purposes of the Act, particularly those which encourage competition among dealers acting as market makers in a security and between markets in that security,[8] make it appropriate for us to permit the existing competition in PRI stock to continue during the interim period necessary for us to conclude our deliberations. Accordingly, for the reasons enunciated in the June 22 delisting order, and as stated above, we find it necessary to extend until August 4, 1978 the effective date of removal of PRI stock from listing and registration on the PSE.

PRI stock has been traded both on the PSE and OTC since issuance of our June 22 order.[9] At that time we also exempted, for a period of up to 120 days, the National Association of Securities Dealers, Inc. ("NASD") and all brokers and dealers from the reporting requirements of Rule 17a-15 under the Securities Exchange Act of 1934 relating to last sale reports of OTC transactions in the common stock of PRI. The duration of that exemption was amended in our extension orders to May 19, 1978. Until we make a determination on the PSE's application for unlisted trading privileges in PRI stock, we believe that there will be uncertainty as to whether real-time reporting in PRI stock will be required as a general matter and that a continued exemption from Rule 17a-15 is appropriate.[10] We continue to believe it is not necessary in the public interest or for the protection of investors to require members of the PSE, (who may

---

[1] See Securities Exchange Act Rel. No. 13657 (June 22, 1977); 42 FR 33398 (June 30, 1977).

[2] The PSE filed an application, pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934, for unlisted trading privileges in PRI stock on March 25, 1977 in response to PRI's application to withdraw that security from listing and registration on the PSE (filed March 23, 1977). Concurrently with our order withdrawing PRI stock from listing, we ordered a hearing on the PSE application. See, Securities Exchange Act Rel. No. 13658 (June 22, 1977); 42 FR 33402 (June 30, 1977).

[3] See Securities Exchange Act Rel. No. 14078 (October 20, 1977); 42 FR 56824 (October 28, 1977).

[4] See Securities Exchange Act Rel. No. 14195 (November 21, 1977); 42 FR 61100 (December 1, 1977).

[5] See Securities Exchange Act Rel. No. 14409 (January 23, 1978); 43 FR 4303 (February 1, 1978).

[6] See Securities Exchange Act Rel. No. 14589 (March 22, 1978); 43 FR 13454 (March 30, 1978).

[7] The maintenance of credit, extended before a security ceases to be marginable, would not be affected by the delisting of that security. [Section 220.7(b) of Regulation T (12 CFR 220.7(b)]. The extention of new credit, however, would be prohibited under those circumstances, until the security was included on the Federal Reserve Board's "List of OTC Margin Stocks" ("Margin List").

[8] See, e.g., Section 11A(a)(1)(C)(ii).

[9] The PSE has exempted from its off-board trading restrictions securities, such as PRI stock, which are both the subject of a delisting application and in which the PSE has applied for unlisted trading privileges. See, Securities Exchange Act Rel. No. 13656 (June 22, 1977); 42 FR 33400 (June 30, 1977).

[10] If the unlisted trading privileges application of the PSE is denied, PRI stock will be traded solely OTC and, therefore, will not be subject to current reporting under Rule 17a-15.

trade PRI stock in the OTC market) and other brokers and dealers to develop and implement reporting procedures for transactions in this single security during the time before we make a determination as to the PSE's application. Accordingly, we have determined to, and hereby exempt, until August 4, 1978, the NASD and all brokers and dealers from the requirements of Rule 17a-15 relating to last sale reports of OTC transactions in the common stock of PRI.[11]

Accordingly, it is hereby ordered, that our order of June 22, 1977 (as amended by our October 20, 1977; November 21, 1977; January 23, 1978; and March 22, 1978 orders) granting PRI's application to withdraw from listing and registration on the PSE be, and it hereby is, amended as set forth herein.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14835 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 34-14789; File No. SR-PHLX-78-6]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 3, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange ("PHLX") proposes to amend Rules 1047 and 1012 as follows: (brackets indicate deletions; additions are italicized).

Trading *Rotations,* Halts and Suspensions

Rule 1047 (a) Trading rotations for each class of option contracts that has been approved for trading on the Exchange shall be employed at the opening and at the close of each business day and at the close of trading on the last trading day with respect to expiring option contracts.

[a] (b) (No change)

[b] (c) (No change)

Commentary

.01 For purposes of this rule, a trading rotation is a series of very brief time periods during each of which bids, offers and transactions in only a single, specified option contract can be made. The Exchange may direct that one or more trading rotations be employed on any business day to aid in producing a fair and orderly market and shall specify, for each rotation so employed, the particular option contracts to be included and the sequence of such option contracts in the rotation. Trading rotations, which shall be conducted by the Specialist acting in such specialty options, shall be conducted in the following manner:

(a) Opening Rotations. The opening rotation in each class of options shall be held promptly following the opening of the underlying security on the principal exchange where it is traded, with the Specialist proceeding concurrently in the following manner: Taking each class of options in which he is acting in turn, the Specialist should first open the one or more series of options of a given class having the nearest expiration, then proceed to series of options having the next most distant expiration, and so forth, until all series have been opened. Except as otherwise provided by the Exchange, if both puts and calls covering the same underlying security are traded, the Specialist shall determine which type of option should open first, and may alternate the opening of put series and call series or may open all series of one type before opening any series of the other type, depending on current market conditions.

(b) Closing Rotations. The closing rotation in each class of options shall be commenced following the close of trading hours on the Exchange with the Specialist proceeding concurrently in the following manner: Taking each class of option contracts in which he is acting in turn, the Specialist should close the one or more series of each class having the nearest expiration; then proceed to those series of each class having the next most distant expiration, and so forth, until all series have been closed. Except as otherwise provided by the Exchange, if both puts and calls covering the same underlying security are traded, the Specialist may determine which type of option should close first, and may alternate the closing of put series and call series or may close all series of one type before closing any series of the other type, depending on current market conditions.

[.01] *.02* (No change)

Series of Options Open for Trading

Rule 1012. (a) (No change)

(b) [No transaction in option contracts of a particular series of options shall be effected after 3 p.m. on the business day prior to the expiration date of that series.] *On the business day prior to the expiration date of particular series of options, a closing rotation (as defined in Commentary .01 to Rule 1047 for such series shall commence at 3 p.m.*

(c) (No change)

(d) (No change)

The purpose of the proposed rule amendments is to (i) reflect Exchange practice of conducting daily opening trading rotations in each options class, (ii) adopt a new policy to permit the utilization of a closing rotation in each expiring options series at 3 p.m. on the last day of trading prior to expiration, and (iii) adopt new policy to permit the utilization of daily trading rotations in each options class to begin following the close of trading at 4 p.m.

A "trading rotation" consists of calling for bids and offers from a trading crowd for each series of options, one at a time, under the supervision of the specialist assigned to the option class. The purpose of such rotations is to provide, in the case of an opening rotation, for the orderly commencement of trading in options series daily, and in the case of a closing or expiration rotation, for the orderly termination of trading both on a daily basis as well as for expiring series of options on the business day before expiration. Use of trading rotations provides an effective means of executing orders in an orderly fashion at the opening and at the close of trading. The PHLX proposals are designed to promote industry uniformity among options exchanges since trading rotations are presently conducted on the Chicago Board Options Exchange, the Pacific Stock Exchange and the Midwest Stock Exchange.

The basis for the proposed rule change is found is Section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act") as amended, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

No comments have been received or solicited from members and others on the proposed rule change.

The proposed rule changes will not impose any burden on competition.

On or before July 5, 1978 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and argu-

---

[11]This exemption does not prohibit those persons individually from complying voluntarily with Rule 17a-15 as long as such broker or dealer complies with the Rule in a uniform and consistent manner.

ments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 22, 1978.

[FR Doc. 78-14838 Filed 5-26-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1478]

GEORGIA

Declaration of Disaster Loan Area

Clayton County and adjacent counties within the State of Georgia constitute a disaster area as a result of damage caused by high winds, rains, tornadoes, and flooding which occurred on May 8, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 21, 1978, and for economic injury until the close of business on February 19, 1979 at:

Small Business Administration, District Office, 1720 Peachtree Road NW., 6th Floor, Atlanta, Ga. 30309,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: May 19, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-14584 Filed 5-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1479]

GEORGIA

Declaration of Disaster Loan Area

Muscogee County and adjacent counties within the State of Georgia constitute a disaster area as a result of damage caused by high winds, rains, tornadoes, and flooding which occurred on May 1, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 20, 1978, and for economic injury until the close of business on February 19, 1979, at:

Small Business Administration, District Office, 1720 Peachtree Road, NW., 6th Floor, Atlanta, Ga. 30309,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 19, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-14855 Filed 5-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1475]

ILLINOIS

Declaration of Disaster Loan Area

Cass, Christian, DeWitt, Douglas, Greene, Logan, Macon, Menard, Morgan, Pike, Sangamon, Scott, and Shelby Counties and adjacent counties within the State of Illinois constitute a disaster area as a result of physical damage caused by ice storms which occurred on March 23, through March 25, 1978. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on July 17, 1978, and for economic injury until the close of business on February 19, 1979, at:

Small Business Administration, District Office, 219 South Dearborn Street, Chicago, Ill. 60604,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: May 17, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-14856 Filed 5-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1477]

KANSAS

Declaration of Disaster Loan Area

Ford County and adjacent counties within the State of Kansas constitute a disaster area as a result of damage caused by wind, hail, heavy rains, and flooding which occurred on April 30, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 21, 1978, and for economic injury until the close of business on February 19, 1979, at:

Small Business Administration, District Office, Main Place Building, 110 East Waterman Street, Wichita, Kans. 67202,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 20, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-14857 Filed 5-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1474]

LOUISIANA

Declaration of Disaster Loan Area

Bossier and Caddo Parishes and adjacent Parishes within the State of Louisiana constitute a disaster area as a result of damage caused by excessive rainfall and flooding which occurred on May 7, through May 8, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 17, 1978, and for economic injury until the close of business on February 19, 1979, at:

Small Business Administration, District Office, Plaza Tower, 17th Floor, 1001 Howard Avenue, New Orleans, La. 70113.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 18, 1978.

VERNON A. WEAVER,
Administrator.

[FR Doc. 78-14858 Filed ——— am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 134—GENERAL PURPOSE ELECTRONIC TEST EQUIPMENT

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 134 on General Purpose Electronic Test Equipment to be held June 22-23, 1978, Conference Room 9 A-B-C, DOT/Federal Aviation Administration Building, 800 Independence Avenue SW., Washington, D.C. commencing at 9 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of

Second Meeting held April 13, 1978; (3) Discuss Outline and Format for Special Committee 134 Report; (4) Requirements, Procurement and Logistics Working Groups Meeting to Address Assigned Tasks; (5) Consideration of Status Reports from Working Groups; and (6) Assignment of Tasks.

Attendance is open to the interested public but, limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; 202-296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on May 22, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-14886 Filed 5-26-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 95 (Rev. 4)]

ASSISTANT TO THE COMMISSIONER (PUBLIC AFFAIRS) ET AL.

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: Authority to authorize or approve use of first-class air accommodations is limited. The text of the Delegation Order appears below.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Kirby L. Baker, A:F:S, 1111 Constitution Avenue NW., Room 3333, Washington, D.C. 20224, 202-566-4851 (Not toll free).

This document does not meet the criteria for significant Regulations set forth in paragraph 8 of the proposed Treasury Directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978.

JOSEPH F. KUMP,
Fiscal Management Officer.

[Order No. 95 (Rev. 4)]

AUTHORIZATION FOR USE OF FIRST-CLASS AIR ACCOMMODATIONS, SUPERIOR RAIL AND SHIP ACCOMMODATIONS, AND TO APPROVE TRAVEL VOUCHERS

1. The authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 72, revised, is hereby delegated to the officials designated below, to direct official travel and administratively approve vouchers claiming reimbursement therefor when performed under the Current Consolidated Travel Authorization by (a) themsselves (except Fiscal Management Officer), and (b) personnel under their supervision and control.

Assistant to the Commissioner (Public Affairs)
Assistant Commissioners
Division Directors
Fiscal Management Officer
Director of International Operations
Director, National Computer Center
Director, Data Center
Chief Counsel
Deputy Chief Counsel
Regional Commissioners
Assistant Regional Commissioners
Regional Inspectors
Assistant Regional Inspectors
Regional Counsel
Assistant Regional Counsel
District Directors
Service Center Directors

a. The authority to direct official travel and administratively approve travel vouchers may be only redelegated by the officials specified in this order.

b. The authority to direct one's own official travel or administratively approve one's own travel voucher may not be redelegated.

2. The officers named in item 1 above may authorize or approve the use of first-class air accommodations by themselves (except Fiscal Management Officer), employees and, where applicable, their immediate families only when all regularly scheduled flights between the authorized origin and destination points (including connection points) provide only first class accommodations.

a. This authority may not be redelegated.

3. The officers named in item 1 above may authorize or approve the use of accommodations superior to the lowest first-class rate for transportation by rail or ship by themselves (except fiscal Management Officer), employees and, where applicable, their immediate families, for reasons defined in Chapter 1 of the Federal Travel Regulations.

a. This authority may not be redelegated.

4. This Order supersedes Delegation Order No. 95 (Rev. 3) issued March 16, 1973.

JEROME KURTZ,
Commissioner.

MAY 19, 1978.

[FR Doc. 78-14954 Filed 5-26-78; 8:45 am]

[4830-01]

Internal Revenue Service

PUBLIC INSPECTION OF WRITTEN DETERMINATIONS

Intention To Disclose

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of intention to disclose.

SUMMARY: This document provides notice that the Service intends to make open to the public inspection certain written determinations. This notice also explains how any person may determine whether any of the described written determinations pertain to that person, and explains the procedures that person may follow if there is disagreement regarding the proposed deletions.

DATES: Persons wanting to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice are requested to contact the Service by June 14, 1978. Requests for additional deletions must be submitted by July 5, 1978. A petition in the United States Tax Court must be filed by August 14, 1978. Except for the disputed portion of any document that is the subject of an action brought in the United States Tax Court, the written determinations described in this notice will be made open to public inspection on October 2, 1978.

ADDRESS: Any questions or correspondence regarding this notice should be sent to: Internal Revenue Service, Attention: T:FP:R, Ben Franklin Station, P.O. Box 7604, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT:

George E. Freeland of the Rulings Disclosure Branch, Tax Forms and Publications Division, Office of the Assistant Commissioner, Technical; 202-566-4378 or 202-566-6272.

SUPPLEMENTARY INFORMATION: Section 6110(h) of the Internal Revenue Code of 1954 provides that certain written determinations (letter rulings and technical advice memoranda) issued in response to requests submitted before November 1, 1976, shall be open to public inspection. Accordingly, the Service is preparing to open to public inspection the general written determinations issued after July 4, 1967 (except those issued in response to requests submitted after October 31, 1976), that originated in the Corporation Tax Branch, Corporation Tax Division, Office of the Assistant Commissioner (Technical), or predecessor branches, and that involve issues falling within the jurisdiction of that Branch. A general written determinations is one the Commissioner has not determined to have significant reference value.

Issues falling within the jurisdiction of the Corporation Tax Branch are those involving income taxes and earnings and profits of corporate taxpayers.

The Branch also has jurisdiction over issues involving both corporate and noncorporate taxpayers with respect to certain other matters, including:

(a) The income of States, municipalities, etc.;

(b) Amortization of pollution control devices;

(c) Allocation of income and deductions among related taxpayers;

(d) Inventories;

(e) Research and experimental expenditures;

(f) Sales of low income housing projects;

(g) Cooperatives and their patrons, including exemption of farmers' cooperatives under section 521 of the Code;

(h) Shipowners' protection and indemnity associations under section 526 of the Code;

(i) Regulated investment companies and their shareholders;

(j) Controlled foreign corporations and their U.S. shareholders;

(k) Foreign tax matters that involve determinations of sources of income;

(l) Nonresident alien individuals and partnerships or alien residents of Puerto Rico, and withholding of tax on nonresident aliens and foreign corporations;

(m) Compensation of employees of foreign governments or international organizations;

(n) Income affected by treaty, and other matters involving the interpretation or application of tax treaties, except estate and gift tax treaties;

(o) Foreign tax credit;

(p) Earned income from sources without the United States and income from possessions;

(q) Lease versus sale matters and other financing arrangements;

(r) Certain investment credit matters;

(s) Small business investment stock company matters;

(t) Mitigation of effect of renegotiation of government contracts;

(u) Prior to October 1, 1973, matters involving the interest equalization tax.

All general written determinations issued during the prescribed time periods discussed in this notice and originating in this branch or predecessor branches are intended to be within the scope of this notice.

DELETIONS

Section 6110(c) of the Code requires the Internal Revenue Service to delete certain information from the documents described in this notice. The Service intends to delete names, addresses, and taxpayer identifying numbers, and will also attempt to recognize and delete other identifying details, trade secrets, and the other information described in section 6110(c), before making the written determination open to public inspection.

Persons to whom the written determinations described in this notice pertain (or successors in interest, executors, or authorized representatives of these persons) may contact the Internal Revenue Service to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice. These persons may request a copy of their written determinations with proposed deletions indicated. Such requests should be submitted by June 14, 1978. Such requests must indicate the specific name of the party to which the written determination pertains, for example, a corporation acting on behalf of one or more subsidiaries must indicate the name of such subsidiary or subsidiaries. If such a person disagrees with the proposed deletions, that person may indicate any additional information that person believes should be deleted. Any request for additional deletions must be submitted by July 5, 1978, and must include a statement indicating which of the exemptions provided in section 6110(c) of the Code is applicable to each additional deletion requested. If the Service feels it cannot make any or all of the additional deletions requested, the Service will so advise the requester. The requester will then have the right to file a petition in the United States Tax Court. This petition must be filed by August 14, 1978.

ADDITIONAL DISCLOSURE

After the deleted copy of a written determination is made open to public inspection in the National Office Reading Room, any person may request the Service to make additional portions of the written determination open to public inspection. If the Service receives a request that involves disclosure of names, addresses, or taxpayer identifying numbers, the Service will deny the request. If the request involves disclosure of anything other than names, addresses, or taxpayer identifying numbers, the Service will contact the person to whom the written determinations pertain before further action is taken.

BACKGROUND FILE DOCUMENTS

After the deleted copy of a written determination is made open to public inspection, any person may request copies of related background file documents. Notice will be provided to the person to whom the written determination pertains if a request for related background file documents is received. The notice and any other notice or correspondence relating to public inspection of written determinations will be mailed to the latest address in the Service's written determination file, unless a later address is provided to the Service in connection with these matters.

The written determinations described in this notice will be made open to public inspection by being placed in the National Office Reading Room, Room 1564, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, D.C., on [the Monday preceding the 121st day after the issuance of this notice]. However, the disputed portion of any document that is the subject of an action brought in the United States Tax Court shall not be made available until after a court determination regarding such portion is made.

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 78-14842 Filed 5-26-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by Section 1790(b), Title 38, United States Code, will be held in Room A53, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. on June 14, 1978, at 10 a.m. The meeting will be held for the purpose of reviewing the decision of the Director, Veterans Administration Regional Office, Nashville, Tenn., that educational assistance allowance to all veterans and eligible persons presently enrolled in the United Schools, Inc., 4428 Sutherland Avenue, P.O. Box 11026, Knoxville, Tenn. 37919 be terminated effective December 31, 1977.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Bernard D. Duber, Chief Field Operations, Education and Rehabilitation Service, Veterans Administration Central Office, phone 202-389-2850 prior to June 7, 1978.

Dated: May 24, 1978.

MAX CLELAND,
Administrator.

[FR Doc. 78-14884 Filed 5-26-78; 8:45 am]

[8320-01]

COOPERATIVE STUDIES EVALUATION COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 U.S.C. 4101, will be held at the Burlington Hotel, Vermont Avenue, at Thomas Circle NW., Washington, D.C., on June 26, 27, and 28, 1978. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of

the studies, the adequacy of the protocols, the scientific validity and the technical details, including involvement of human subjects. The committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., June 26, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, D.C., 202-389-3702, prior to May 26.

The meeting will be closed from 8:30 a.m. to 4:30 p.m., June 26, and all day on June 27 and 28 for consideration of specific proposals in accordance with provisions set forth in subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, and subsection 552b(c)(6) of Title 5, United States Code. During this portion of the meeting, discussion and decisions will deal will qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: May 23, 1978.

MAX CLELAND,
Administrator.

[FR Doc. 78-14943 Filed 5-26-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 669]

ASSIGNMENT OF HEARINGS

MAY 24, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 2860, Sub 86, National Freight, Inc. (Show cause proceeding No. MC-2860 Sub-Nos. E-20 and E-37) and MC 2860 Sub 166, National Freight, Inc., are now assigned for hearing July 25, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB 43 Sub-No. 49, Illinois Central Gulf Railroad Co. Abandonment Between Kosciusko and Fentress, in Attala and Choctaw Counties, MS is assigned for hearing June 26, 1978, at Kosciusko, MS and will be held at court room, Attala County Courthouse.

MC 13027, Sub-No. 27, Short Way Lines, Inc., is assigned for hearing June 26, 1978 at Toledo, OH and will be held at Room 418 Federal Ofc. Bldg., 234 Summit St.

MC 111302 Sub 99, Highway Transport, Inc., is now assigned for continued hearing July 6, 1978 (1 day) at Nashville, TN, at a location to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14927 Filed 5-26-78; 8:45 am]

[7035-01]

[Finance Docket No. 28749]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Trackage Rights Over Chicago, Milwaukee, St. Paul and Pacific Railroad Co. in Marathon County, Wis.

Chicago and North Western Transportation Co. (C&NW), 400 West Madison Street, Chicago, Ill. 60606, hereby gives notice that on the 3rd of May, 1978, it filed with the Interstate Commerce Commission at Washington, D.C., an application for approval of an agreement for the acquisition by C&NW of trackage rights over mainline track of the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. (MILW) between Schofield and Rothschild, Marathon County, Wis., a distance of approximately 1.58 miles. The proceeding has been assigned Finance Docket No. 28749. The applicant is represented by Ms. Anne E. Valle, Attorney, 400 West Madison Street, Chicago, Ill. 60606.

C&NW presently operates over the MILW trackage between Rothschild and Schofield by virtue of a temporary service order. Under the proposed plan, C&NW trains would continue to operate over the line from MILW milepost 88.03, near Schofield, to MILW milepost 86.45, near Rothschild, pursuant to a trackage rights agreement between C&NW and MILW. Access and egress from the involved line would be provided by existing connecting trackage approximately 1,237 feet in length.

In the opinion of the applicant, Commission authorization for acquisition of the trackage rights would not significantly adversely affect the quality of the human environment. The applicant states that coordination of through train movements would have a beneficial effect on the environment, and that approval would not adversely affect shippers or receivers. As a result of C&NW relocating its route over the MILW trackage the State of Wisconsin will avoid spending approximately $1,000,000 in constructing a highway underpass under the existing parallel C&NW line at Schofield.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28749, and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than July 14, 1978. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to participate formally in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation, and the Attorney General.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14923 Filed 5-26-78; 8:45 am]

[7035-01]

[Notice No. 83]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 23, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest

shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2661 (Sub-No. 17TA), filed April 19, 1978. Applicant: INDIAN TRAILS, INC., 109 E. Comstock Street, Owosso, MI 48867. Applicant's representative: Charles A. Webb, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle in charter and special operations, in executive coach service, between points beginning and ending in MI and extending to points in the United States, for 180 days. Supporting shippers: There are approximately (6) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, 604 Federal Building, and U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

No. MC. 41406 (Sub-No. 76TA), filed April 13, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Aveune, P.O. Box 2176, Hammond, IN 46323. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the facilities of CertainTeed Corp. at or near Avery, OH to IL, IN, KY, Miami, NY, PA, WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: CertainTeed Corp., Shelter Materials Group, David H. Silvernail, Manager, Transportation Operations, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC. 51146 (Sub-No. 589TA), filed April 16, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, WI 54306. Applicant's representative: John R. Patterson, 2480 E. Commercial Boulevard, Ft. Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured or dealt in by manufacturers of containers and related *accessories and equipment, materials and supplies* used in the manufacture of the above described commodities, between the facilities of Brockway Glass Co., Inc., located in Washington County, PA, Muskingum County, OH and Madison County, IN and Johnson, Linn, Clinton, Scott, and Muscatine Counties in the State of IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brockway Glass Co., Inc., McCullough Avenue, Brockway, PA 15824, (J. W. Pennington). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC. 59264 (Sub-No. 68TA), filed April 18, 1978. Applicant: SMITH & SOLOMON TRUCKING CO., How Lane, New Brunswick, NJ 08903. Applicant's representative: Herbert Burstein, 2373, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, metal cans and ends*, from plant site of Ball Corp. in or near Williamsburg, VA, to Commercial Zone of Philadelphia, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ball Corp., 345 South High Street, Muncie, IN 47302. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 65941 (Sub-No. 52TA), filed April 25, 1978. Applicant: TOWER LINES, INC., Third and Warwood Avenue, Wheeling, WV, 26003. Applicant's representative: George V. Thieroff, Third and Warwood Avenue, Wheeling, WV, 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc oxide*, in bags, from the facilities of St. Joe Minerals Corp., Josephtown (Potter Township, Beaver County), PA, to Gadsden, AL, and La Vergne, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): St. Joe Zinc Co., Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: J. A. Niggemyer District Supervisor, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, WV 26003.

No. MC 79687 (Sub-No. 16TA), filed April 12, 1978. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Road, Zelienople, PA 16063. Applicant's representative: Henry M. Wick, Jr., Wick, Vuono, & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned baby food and dry cereal*, from the facilities of Beech-Nut Foods Corp., Canajoharie, NY, to points in IN, KY, OH, WV and those points in PA on and west of U.S. Hwy 15, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beech-Nut Foods Corp., Church Street, Canajoharie, NY 13317. Send protests to: John J. England District Supervisor, 1000 Liberty Avenue, 2111 Federal Building, Pittsburgh, PA 15222.

No. MC 100666 (Sub-No. 397TA), filed April 14, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, valve boxes, water boxes, castings, hydrants, and accessories*, from the facilities of Central Foundry Co. located at or near Holt, AL, to points in IA, KS, MO, NE, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Central Foundry Co., P.O. Box 188, Holt, AL 35401. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 103051 (Sub-No. 438TA), filed April 14, 1978. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue, North, P.O. Box 90408, Nashville, TN 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard* (in bulk, in tank vehicles), from West Point, MS, to Chamblee, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bryan Foods, Inc., P.O. Box 1177, West Point, MS 39773. Send protests to:

Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 103066 (Sub-No. 71TA), filed May 1, 1978. Applicant: STONE TRUCKING CO., P.O. Box 2014, 4927 South Tacoma, Tulsa, OK 74107. Applicant's representative: C. L. Phillips, 1411 North Classen, room 248, Oklahoma City, OK 73106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic items, film and/or sheeting*, from Tulsa, OK, to points in FL, for 180 days. Supporting shipper(s): Poly-Version, Inc., 10001 East 54th Street, Tulsa, OK 74145. Send protests to: Connie Stanely, Transportation Assistant, room 240 Old Post Office and Court House Building, 215 Northwest, 3d, Oklahoma City, OK 73102.

No. MC 103066 (Sub-No. 72TA), filed May 1, 1978. Applicant: STONE TRUCKING CO., INC., 4927 South Tacoma, Tulsa, OK 74107. Applicant's representative: C. L. Phillips, Room 248, Classen Terrace Building, 1411 North Classen, Oklahoma City, OK 73106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, build-up wood, building material* (with a prior movement by water), from Galveston, TX, to points and places in TX, OK, KS, MO and LA, for for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. W. Smith & Co., Inc., 1017 U.S. National Bank Building, Galveston, TX 77550. Send protests to: Connie Stanely, Transportation Assistant, room 240 Old Post Office and Court House Building, 215 Northwest, 3d, Oklahoma City, OK 73102.

No. MC 106644 (Sub-No. 257TA), filed March 30, 1978. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road, P.O. Box 916, Atlanta, GA 30301. Applicant's representative: Wilfred Rohling, P.O. Box 916, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles: vis., sheet, plate, blanks, foil or lineal shapes, noi*, from the facilities of Kaiser Aluminum & Chemical Corp. at or near Ravenswood, WV to AL, AR, CT, FL, GA, IL, IN, MA, MI, MS, MO, NJ, NC, PA, SC, TN, VA, and Farnhurst, DE, Louisville and Richmond, KY, New Orleans and Lafayette, LA, Westbrook, ME, Baltimore, MD, Minneapolis and St. Paul, MN, Houston, Grand Prarie, and Tyler, TX, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree Street NW., room 300, Atlanta, GA 30309.

No. MC 106644 (Sub-No. 259TA), filed April 27, 1978. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road, P.O. Box 916, Atlanta, GA 30301. Applicant's representative: Wilfred Rohling, 2770 Peyton Road, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingots*, from the plantsite and shipping facilities of Kaiser Aluminum & Chemical at or near New Orleans, LA, to the Kaiser Aluminum & Chemical Plantsite at or near Ravenswood, WV, for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical, 4948 Chef Menteau Hwy, New Orleans, LA 70126. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, room 300, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 106674 (Sub-No. 312TA), filed April 11, 1978. Applicant: SCHILLI MOTOR LINES, INC., U.S. Highway 24 West, P.O. Box 123, Remington, IN 47977. Applicant's representative: Jerry L. Johnson, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl or plastic siding, extruded; clapboard siding; building materials; and accessories* and *supplies* used in connection with the previously described commodities, from the plantsite of Bird & Son, Inc., at Bardstown, KY, to points and places in the following states: AZ, CA, CO, CT, DE, ID, IL, IN, IA, KS, ME, MD, MA, MS, NV, NH, NJ, NY, OH, OR, PA, UT, VT, WA, WV, WI, and DC for 180 days. Supporting shipper(s): Bird & Son, Inc., Washington Street, East Walpole, MA 02032. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 107064 (Sub-No. 123TA), filed April 13, 1978. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, P.O. Box 2998, Dallas, TX 75221. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (in bulk), from Artesia, NM, to points in Rio Blanco and Garfield Counties, CO, and Grand County, UT, for 180 days. Supporting shipper(s): Petroleum Helicopters, Inc., P.O. Box 1213, Farmington, NM 87401. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, room 13C12, Dallas, Tex. 75242.

No. MC 107515 (Sub-No. 1142TA), filed April 27, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, Forest Park, GA 30050. Applicant's representative: Alan E. Serby & Richard M. Tettalbaum, Serby & Mitchell, 5th floor, Lenox Towers South, 3390 Peachtree Road, NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in vehicles equipped with mechanical refrigeration, from Chebanse, IL, to points in DeKalb County, GA, for 180 days. Supporting shipper(s): Jeno's, Inc., 515 Lake Avenue South, Duluth, MN 55801. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, room 300, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 111720 (Sub-No. 20TA), filed March 30, 1978. Applicant: WILLIAMS TRUCK SERVICE, INC., 1812 K Avenue, Sioux Falls, SD 57104. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat by-products*, and *articles* distributed by meat packinghouses as described in sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk) from the plantsite and/or warehouse facilities utilized by Howard Beef Processors, Inc., located at or near Howard, SD to points in the states of IL, MN and WI, under a continuing contract, or contracts, with Howard Beef Processors, Inc., for 180 days. Supporting shipper(s): Howard Beef Processors, Inc., Box 606, Howard, SD 57349, William Grochow, President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 455, Federal Building, Pierre, SD 57501.

No. MC 111812 (Sub-No. 566TA), filed April 19, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Applicant's representative: David Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, in vehicles equipped with mechanical refrigeration from the plantsite of E. J. Brach & Sons located at Philadelphia, PA to Reno, NV, for 180 days. Supporting shipper(s): E. J.

Brach & Sons, Division American Home Products Corp., 4656 W. Kinzie Street, Chicago, IL 60604, E. M. Carey, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 455, Federal Building, Pierre, SD 57501.

No. MC 114533 (Sub-No. 367TA), filed April 13, 1978. Applicant: BANKER'S DISPATCH CORP., 1106 West 35th Street, Chicago, IL 60609. Applicant's representative: Melvin L. Rosenbloom (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Woburn, MA, on the one hand, and, on the other, points in Hartford, New Haven, Fairfield, and Litchfield Counties, CT for 180 days. Supporting shipper(s): Marshalls, Inc., 83 Commerce Way, Thomas J. Corcoran, Administrative Services Manager, Woburn, MA 01801. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 114734 (Sub-No. 27TA), filed April 7, 1978. Applicant: D AND J TRANSFER CO., Sherburn, MN 56171. Applicant's representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles* distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of John Morrell & Co., at or near Sioux Falls, SD and Estherville, IA to points in the States of IL, IN, OH, and WI, under a continuing contract, or contracts, with John Morrell & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 119726 (Sub-No. 122TA), filed April 28, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Plastic articles* (except in bulk). From the plantsite and warehouse facilities of Amoco Chemicals Corp. at or near Seymour, IN. To points in AL, FL, GA, MI, NC, OH, SC, TN, and WI. 2. *Materials and supplies* used in the distribution of plastic articles from the points in the above named destination States to Seymour, IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Amoco Chemicals Corp., 200 East Randolph Drive, Chicago, IL 60601. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 119789 (Sub-No. 453TA), filed April 13, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods in packages*, from Mattoon, IL to points in the U.S. on and East of U.S. Hwy No. 85, for 180 days. Supporting shipper(s): Kal Kan Foods, Inc., 3366 East 44th Street, Vernon, CA 90058. Sends protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 120618 (Sub-No. 8TA), filed April 7, 1978. Applicant: SCHALLER TRUCKING CORP., 5700 West Minnesota Street, Indianapolis, IN 46241. Applicant's representative: John R. Bagileo, 700 World Center Building, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum extrusions, ingot, pipe and tubing* being hauled on open top equipment. From the plantsite and storage facilities of the Aluminum Co. of America located at or near Lafayette, IN. To points located in CT, GA, IL, KY, MA, MI, MO, NH, NJ, NY, OH, PA, TN, TX and VA, for 180 days. Supporting shipper(s): Aluminum Co. of America, 1501 Alcoa Building, Pittsburgh, PA 15219. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 129063 (Sub-No. 19TA), filed April 14, 1978. Applicant: JIMMY T. WOOD, P.O. Box 294, Route 6, Ripley, TN 38063. Applicant's representative: Mr. Thomas A. Stroud, 5100 Poplar Avenue, Suite 2008, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in dump vehicles, from the facility of Agrico Chemical Co. at or near Armorel, AR, to points in MO and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Send protest to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

No. MC 129480 (Sub-No. 32TA), filed April 7, 1978. Applicant: TRI-LINE EXPRESSWAYS, LTD., 550-71 Avenue SE., P.O. Box 5245 Station A, Calgary, AB, Canada T2H OS6. Applicant's representative: Richard S. Mandelson, Attorney at Law, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from IL, MO, IA, TN, AR to ports of entry on the International Boundary line between the U.S. and Canada, located in MN, ND, and MT; restricted to shipments moving in foreign commerce destined to points in the Provinces of AB, MB, and SK, for 180 days. Supporting shipper(s): Charles Phillips Owner & General Manager, Phillips Hardwood Sales Co., P.O. Box 1283, 10 Roselawn Dr., Natchez, MN 39120. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 133966 (Sub-No. 54TA), filed April 14, 1978. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18717. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Paper products, printed or not printed*, from Berwick, PA to Atlanta, GA; Melrose Park and Chicago, IL; Lexington, KY; Durham, NC, Secaucus, NJ, Johnson City, White Plains, Yorktown Heights, Kingston, and East Fishkill, NY, Essex Junction, VT; Detroit, MI, Columbus, OH, Manassas, VA; Gaithersburg, MD, and Boston, MA, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): DataCom, Inc., 2500 Maryland Avenue, Willow Grove, PA 19090. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. P.O. Building, Scranton, PA 18503.

No. MC 134477 (Sub-No. 235TA), April 11, 1978. Applicant: SCHANNO

TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Such commodities* as are dealt in by retail and wholesale department stores (except foodstuffs and commodities in bulk) from North Lake, IL and its commercial zone to Brainerd, Duluth, Rochester, and Winona, MN; Sioux Falls, Watertown and Yankton, SD; and Ashland and La Crosse, WI, for 180 days. Supporting shipper(s): Montgomery Ward, P.O. Box 7337, Chicago, IL 60681. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Post Office, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 138274 (Sub-No. 47TA), filed April 13, 1978. Applicant: PAYNE MOTOR LINES, INC., 251 West Commercial, P.O. Box 1937, Elko, NV 89801. Applicant's representative: D. Michael Jorgensen, P.O. Box 2465, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and feed ingredients, supplements, additives, materials and supplies* used in the manufacture and promotion of animal feeds, from Ft. Lupton, CO, to NM destinations, Albuquerque, NM, Clovis, NM, Farmington, NM, Santa Fe, NM, Raton, NM and Las Vegas, NM for 180 days. Supporting shipper: Albers Milling Co., P.O. Box 126, Fort Lupton, CO 80621. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, 203 Federal Building, 705 North Plaza Street, Carson City, NV 89701.

No. MC 138469 (Sub-No. 72TA), filed April 17, 1978. Applicant: DONCO CARRIERS, INC., 2025 S. Nicholas, P.O. Box 75345, Oklahoma City, OK 73107. Applicant's representative: Dan Hands, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Cosmetics and pharmaceutical, nutritional, veterinary and industrial products in soft elastic gelatin capsules, and materials, equipment and supplies* used in the manufacture thereof, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles). From the facilities of R. P. Scherer Corp. located at or near Monroe, NC to Detroit, MI and Somerset, NJ and points in the commercial zones in the above named cities, restricted to the transportation of shipments originating at the named origins and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. P. Scherer Corp., 9425 Grinnell Avenue, Detroit, MI 48213. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office & Court House Building, 215 Northwest 3rd, Oklahoma City, OK 73102.

No. MC 141122 (Sub-No. 3TA), filed, April 12, 1978. Applicant: SENTRY TRUCKING CO., INC., P.O. Box 901, Union, NJ 07083. Applicant's representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. 180-day temporary authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Silver nitrate*, except in bulk in tank vehicles, from Huntsville, AL to Newark, Union and Parlin, NJ and Rochester, NY under a continuing contract or contracts with Engelhard Industries Division, Engelhard Minerals and Chemicals Corp. of Newark, NJ. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Engelhard Industries Division, Engelhard Minerals & Chemicals Corp., Newark, NJ. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark NJ 07102.

No. MC 141733 (Sub-No. 1TA), filed April 11, 1978. Applicant: UNION TRANSIT CO., INC., 276 Pasco Road, Springfield, MA 01151. Applicant's representative: David M. Marshall, Marshall & Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tools, forgings, tool boxes, packing containers and materials, supplies, and equipment* used in the manufacture and distribution of such commodities (except in bulk) between the facilities of The Moore Co., Inc., located at Springfield, MA, East Windsor, CT, Springdale and Pocahontas, AR and Gastonia, NC on the one hand, and, on the other, the facilities of The Moore Co., Inc. located at Hillsboro, OH and Gastonia, NC under a continuing contract or contracts with The Moore Co., Inc. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Moore Co., Inc., Thompson Road, East Windsor Industrial Park, East Windsor, CT 06088. Send protests to: David M. Miller, District Supervisor, 436 Dwight Street, Room 338, Springfield, MA 01103.

No. MC 144596TA, filed April 11, 1978. Applicant: BEN FRAZIER, INC., 120 East Junius Street, Fergus Falls, MN 56537. Applicant's representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from the facilities of Franklin Steel Co. at or near Franklin, PA, to points in MN, ND, SD, NE, MT, WY, WI, and IA. Restriction: Restricted to a transportation service to be performed under a continuing contract, or contracts, with M & R Sign Co., Inc., Fergus Falls, MN, and Franklin Steel Co., Franklin, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: M & R Sign Co., Inc., P.O. Box 365, Fergus Falls, MN 56537. Franklin Steel Co., P.O. Box 671 Franklin, PA 16323. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102.

No. MC 144645TA, filed April 13, 1978. Applicant: ROBERT C. HANSEN, d.b.a. ROBERT HANSEN TRUCKING, Route 5, Box 282, Delavan, WI 53115. Applicant's representative: Wm. C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical copper wire*, from the facilities of techbestos, Inc., at or near Moonachie, NJ, to points in IL, IN, KY, MI, MN, OH, and WI, under a continuing contract, or contracts, with Techbestos, Inc., for 180 days. Supporting shipper(s): Techbestos, Inc., West Commercial Avenue, Moonachie, NJ 07074. (Thomas Arciolo) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

PASSENGER CARRIER

No. MC 1515 (Sub-No. 247TA), filed March 23, 1978. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Applicant's representative: W. L. McCracken, Assistant General Counsel, Greyhound Tower, Phoenix, AZ 85077 602-248-5678. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers: Between the junction of Interstate Hwy 80 and CA Hwy 12 and Lodi, CA; from the junction of Interstate Hwy 80 and CA Hwy 12 at Fairfield, CA over CA Hwy 12 via Rio Vista to Lodi, CA and return over the same route, serving all intermediate points. Restriction: No passengers will be transporte to or from Travis Air Force Base, CA or between Fairfield

and Suisun City, CA. Condition: This authority shall be of no further force and effect upon termination of the carrier's contract with the city of Rio Vista, CA. Greyhound Lines, Inc. is seeking the requested authority, so as to provide service to the city of Rio Vista, CA pursuant to the terms of a contract between the city of Rio Vista and Greyhound. The city of Rio Vista, CA has applied for and been granted funds to support an intercity bus service through Rio Vista. Without such support, service through Rio Vista would not be practicable because patronage would probably not be sufficient for such operations to be self-supporting.

As a result of the grant of funds, the city of Rio Vista has requested that Greyhound provide the above described intercity, supported bus service, and Greyhound will provide such service conditioned upon a continuing contract between the City of Rio Vista and Greyhound. The authority requested herein will allow Greyhound to afford those passengers and shippers residing at Rio Vista, CA or in the area of the proposed route with public, intercity, interstate transportation where such service is now non-existent. However, Greyhound Lines, Inc. will only conduct such operations as long as there is in effect a contract between the city of Rio Vista and Greyhound. For 180 days. Applicant intends to tack with Docket No. MC 1515 Sub 7. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): city of Rio Vista, CA, George E. Alphin, City Administrator, One Main Street, Rio Vista, CA 94571. Send protests to: Andrew V. Baylor, District Supervisor, Room 2020 Federal building, 230 North First Avenue, Interstate Commerce Commission, Phoenix, AZ 85025.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14924 Filed 5-26-78; 8:45 am]

[7035-01]

[Notice No. 81]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 19, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8600 (Sub-No. 36TA), filed April 21, 1978. Applicant: WERNER CONTINENTAL, INC., 2500 West County Road C, Roseville, MN 55113. Applicant's representative: A. D. Weese, 2500 West County Road C, Roseville, MN 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from Aliquippa and Pittsburgh, PA and their commercial zones to points in the states of IN, OH, KY, and TN, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 1600 West Carson Street, RM 121, Pittsburgh, PA 15263. Send protests to: Delores A. Poe, transportation assistant, ICC, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 59534 (Sub-No. 3TA), filed April 24, 1978. Applicant: A. A. STAR TRANSFER CO., P.O. Box 173, Aberdeen, WA 98520. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage, personal effects, crated as defined by the Commission*, between points in Grays Harbor and Pacific Counties, WA, for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army (DAJA-RL), Washington, DC 20310. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, ICC, 858 Federal Building, Seattle, WA 98174.

No. MC 63417 (Sub-No. 147TA), filed March 29, 1978, and published in the FEDERAL REGISTER issue of May 9, 1978, and republished as corrected this issue. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, VA 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Sanford, NC, and Roanoke, VA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, for 180 days. Supporting shipper(s): Singer Furniture Co., P.O. Box 5337, Roanoke, VA 24012. Send protests to: Herman R. White, Acting District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC. 72243 (Sub-No. 57TA), filed February 6, 1978. Applicant: THE AETNA FREIGHT LINES, INC., P.O. Box 350, Warren, OH 44482. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron or steel articles*, from points in NY (except Lackawanna and Buffalo) and points in PA (except Coatesville, Bethlehem, Wilkes-Barre, and Johnstown) to points in IN; (2) *Iron and steel articles* fabricated beyond the primary stage and requiring specialized handling or rigging because of size or weight, from points in IN (except Portage, Gary, East Chicago, Muncie, Burns, Harbor, Madison and Hammond) to points in NY, PA, WV (except Weirton) and OH; (3) *Iron and steel articles* fabricated beyond the primary stage and requiring specialized handling and rigging because of size and weight; (a) Between points in IL on and south of U.S. Hwy 36 on the one hand, and, on the other, points in NY and Greene, Fayette and Washington Counties, PA; (b) Between points in IL on and south of a line beginning at the IL-IN State line extending along U.S. Hwy 30 to junction I-Hwy 80, then along I-Hwy 80 to junction U.S. Hwy 61, then along U.S. Hwy 61 to the IA-IL State line, points in IA on and south of a line beginning at the IA-IL State line extending along U.S. Hwy 61 to junction U.S. Hwy 92, then along U.S. Hwy 92 to junction U.S. Hwy 1, then along U.S. Hwy 1 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 2, then along U.S. Hwy 2 to

junction U.S. Hwy 5, then along U.S. Hwy 5 to IA-MO State line, on the one hand, and, on the other, points in OH, NY and PA; (c) Between points in WV, on the one hand, and, on the other, points in IL, on and south of a line beginning at the IL-IN State line extending along U.S. Hwy 30 to junction I-Hwy 80, then along I-Hwy 80 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction I-Hwy 74, then along I-Hwy 74 to junction U.S. Hwy 34, then along U.S. Hwy 34 to the IL-IA State line; (d) Between points in IA and WI within 300 miles of Chicago, IL, on the one hand, and, on the other, points in WV; (e) Between points in WI within 300 miles of Chicago, IL, on the one hand, and, on the other, points in OH, PA, and NY; (4) *Iron, steel and iron or steel articles which require special equipment by reason of size or weight and heavy machinery,* between points in CT and MA, on the one hand, and, on the other, points in NY and points in PA on, north and east of a line beginning at Lake Erie extending along U.S. Hwy 8 to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction U.S. Hwy 219, then along U.S. Hwy 219 to junction I-Hwy 80, then along I-Hwy 80 to junction U.S. Hwy 144, then along U.S. Hwy 144 to junction U.S. Hwy 322, then along U.S. Hwy 322 to junction I-Hwy 83, then along I-Hwy 83 to the MD-PA State line; (5) *Iron and steel products and machinery;* between points in NJ, DE, MD, (except Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Worchester and Somerset Counties), NY, the DC, that part of PA within 150 miles of Philadelphia, PA, including Philadelphia, and Richmond, VA, on the one hand, and, on the other, points in PA, WV, and points in OH (except from Claymont and New Castle, DE to points in PA and from Middletown, Cleveland, and Youngstown, OH to points in NJ); for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (9) statements of support attached to the application which may be examined at the field office named below. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 103798 (Sub-No. 15TA), filed April 21, 1978. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Inedible tallow* from Whitehall, WI to Hammond, In and East Morris, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Whitehall Packing Co., P.O. Box 215, Whitehall, WI 54773. Send protests to: Delores A. Poe, Transportation Assistant, ICC, Bureau of Operations, 414 Federal Building, 110 South 4th Street, U.S. Courthouse, Minneapolis, MN 55401.

No. MC 105461 (Sub-No. 100TA), filed April 20, 1978. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Applicant's representative: Robert R. Herr (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers* between the facilities of Midland Glass Co., Inc. located at Cliffwood, NJ and Socita, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ. Send protests to: Charles F. Myers, District Supervisor, ICC, P.O. Box 869 Federal Square Station, Harrisburg, PA 17108.

No. MC 112713 (Sub-No. 212TA), filed March 24, 1978, and published in the FEDERAL REGISTER issue of April 21, 1978, and republished as corrected this issue. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Applicant's representative: David B. Schneider, 10990 Roe Avenue, Shawnee Mission, KS 66207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Hoosier Energy Division of Indiana Statewide REC, at or near Merom, IN, as an off-route point in conjunction with carrier's presently authorized operations, for 180 days. Applicant intends to tack and interline with MC 112713 and numerous points in Yellow's System. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hoosier Energy Division of Indiana Statewide REC, Inc., P.O. Box 908, Bloomington, IN 47401. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 112963 (Sub-No. 74TA), filed April 12, 1978, and published in the FEDERAL REGISTER issue of May 10, 1978, and republished as corrected this issue. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy, 764 Boston Road, Pinehurst, MA 01866. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry talc and calcium carbonate* (in bulk, in tank vehicles), from Johnson, VT, to Woodbury, NJ, for 180 days. Supporting shipper(s): Dewey & Almy Chemical Division of W. R. Grace, 55 Hayden Avenue, Lexington, MA 02173. Send protests to: Paul A. Roberts, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114. The purpose of this republication is to correct the commodity description.

No. MC 116474 (Sub-No. 38TA), filed March 29, 1978, and published in the FEDERAL REGISTER issue of May 2, 1978, and republished as corrected this issue. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, OR 97477. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Treated poles and piling,* from the facilities of McCormick & Baxter Creosoting Co., at Portland, OR, to points in CA, NV, and WA, under a continuing contract or contracts, with McCormick & Baxter Creosoting Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McCormick & Baxter Creosoting Co., P.O. Box 3048, Portland, OR 97208. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, OR. The purpose of this republication is to correct the spelling of the applicant's name.

No. MC 118883 (Sub-No. 5TA), filed April 27, 1978. Applicant: VAN E. HAMLETT, P.O. Box 8009, Nashville, TN 37207. Applicant's representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *dry fertilizer, and fertilizer materials, pesticides in containers when moving with fertilizer, rejected materials, machinery, equipment and supplies used in manufacture of fertilizer and pesticides* (except commodities in bulk): (1) Between the facilities utilized by W. R. Grace & Co. at or near Nashville, TN, New Albany, IN, and Woodstock, TN. (2) From the facilities utilized by W. R. Grace & Co. at or near Nashville, TN, and Woodstock, TN, on the one hand, and, on the other, points in KY on or west of Interstate Hwy 75. (3) From the facilities utilized by W. R. Grace & Co. at or near New Albany, IN, to points in KY on and

west of Interstate Hwy 75 and to points in TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. R. Grace & Co., P.O. Box 90166 54th Ave. N., Nashville, TN 37209. Send protests to Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

No. MC 121777 (Sub-No. 1TA), filed April 25, 1978. Applicant: PACKARD TRUCK LINES, INC., P.O. Drawer "H," Buras, LA 70041. Applicant's representative: Ora Foxall, Route, Box 348-A, Port Sulphur, LA 70083. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field machinery, equipment, materials and supplies* between Cameron, LA, on the one hand, and, on the other, points in TX, for 180 days. Supporting shipper: Marathon Oil Co., Gulf Coast Offshore District, P.O. Box 53266, OCS, Lafayette, LA 70560. Send Protests to: Ray C. Armstrong, Jr., District Supervisor, ICC, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 133296 (Sub-No. 9TA), filed April 25, 1978. Applicant: YULE TRANSPORT, INC., P.O. Box 42, Medford, MN 55040. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from Peoria, IL to Owatonna and Rochester, MN, under a continuing contract or contracts with Shea Distributing, Owatonna, MN, for 180 days. Supporting shipper: Shea Distributing, P.O. Box 403, Owatonna, MN 55060. Send protests to: Delores A. Poe, Transportation Assistant, ICC, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 139495 (Sub-No. 348TA), filed April 11, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, A. *Valves, hydrants, pipe fittings, connectors and hangers, indicator posts and castings* (except those commodities which because of size and weight require the use of special equipment) from Elmira, NY to points in AL, MS, FL, TN, VA, WV, MD, OH, MI, PA, DE, NJ, CT, RI, MA, VT, NH, and ME. Restricted to traffic originating at the facilities of Kennedy Value Division, ITT Grinnell Valve Co., Inc. at Elmira, NY. B. (1) *Components of fire prevention systems, sprinkley systems, and pipe fittings, pipe connectors, pipe hangers, castings, and valves* from Clito, GA, to AL, FL, DE, GA, IN, MD, NJ, NC, OH, PA, SC, TN, VA, WV, Washington, DC and points in NY, south of Hwy 7; and (2) *Materials and supplies* used in the manufacture of commodities specified in (1) above (except in bulk, in tank vehicles) from the above-named destination points to Clito, GA for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: ITT-Grinnell, 260 West Exchange, Providence, RI 02901. Send protests to: M.E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

No. MC 140549 (Sub-No. 10TA), filed April 26, 1978. Applicant: FRITX TRUCKING, INC., East Highway 7, Clara City, MN 56222. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry, bulk fertilizer*, from Wilmar, MN, to points in ND and SD, for 180 days. Supporting shipper: Martrex, Inc., P.O. Box 159, Chanhassen, MN 55317. Send Protests to: Delores A. Poe, Transportation Assistant, ICC, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 140601 (Sub-No. 6TA), filed April 27, 1978. Applicant: BILLY FRANK d.b.a. FRANK BROS., 349 Abbot Avenue, Hillsboro, TX 76645. Applicant's representative: Robert J. Birnbaum, P.O. Box 1945, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos cement pipe, and fitting and accessories for asbestos cement pipe* from the facilities of Certain-Teed Corp. located in St. Louis County, MO to points in AR, CO, KS, LA, MS, NE, OK, TN, and TX, under a continuing contract or contracts with Certain-Teed Corp., Pipe and Plastics Group, of Valley Forge, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Certain-Teed Corp., P.O. Box 860, Valley Forge, Pa 19482. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 142207 (Sub-No. 16TA), filed April 26, 1978. Applicant: GULF COAST TRUCK SERVICES, INC., P.O. Box 29487, New Orleans, LA 70189. Applicant's representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards* from the facilities of the U.S. Gypsum Co. at Greenville, MS to AR, LA, OK, KS, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Gypsum Co., 101 S. Wacker Drive, Chicago, IL 60606. Send protests to: Ray C. Armstrong, Jr., District Supervisor, ICC, T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 142207 (Sub-No. 17TA), filed April 27, 1978. Applicant: GULF COAST TRUCK SERVICES, INC., Chef Menetuer Highway, P.O. Box 29487, New Orleans, LA 70189. Applicant's representative: Richard M. Tettelbaum, Fifth Floor, Lenox S, 3309 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* from Ola and Waldo, AR, to points in TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Deltic Farm & Timber Co., Inc., P.O. Box 278, Ola, AR 72853. Send protests to: Ray C. Armstrong, Jr., District Supervisor, ICC, T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 143423 (Sub-No. 6TA), filed April 27, 1978. Applicant: WILLIAM T. AUSTIN, d.b.a., AUSTIN TRUCKING CO., 2026 Clayton Avenue SW., Decatur, AL 35601. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, AL 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Generators or motors or generators and engines combined and internal combustion engines and parts thereof*, between the plantsite of Onan Corp. at Huntsville, AL on the one hand and, on the other, points in AZ, CO, CA, GA, KS, KY, MO, NM, NC, OH, OK, PA, SD, TN, TX, UT and WA, for 180 days. Supporting shipper: Onan Corp., 1400 73rd Ave. NE., Minneapolis, MN 55432. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, ICC, Room 1616-2121 Building, Birmingham, AL 35203.

No. MC 143550 (Sub-No. 1TA), filed April 24, 1978. Applicant: G & C FREIGHT SERVICE, 647 SW. 143rd, Seattle, WA 98166. Applicant's representative: Gary Parish (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles, hip, ridge and related roofing materials*, between points in Pacific, Grays Harbor, Clal-

lam, and Jefferson Counties, WA and Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, and San Francisco, CA, for 180 days. Supporting shippers: Washington Cedar & Supply Co., 223 W. Smith St., Kent, WA 98031; Parker & Son Shakes, Box 218, Copalis Beach, WA 98535; Cosi Cedar Sales, P.O. Box 649, Cosmopolis, WA 98537; and California Shingle & Shake Co., Inc., 1025 Stockton Ave., San Jose, CA 95110. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, ICC, 858 Federal Bldg., Seattle, WA 98174.

No. MC 144347 (Sub-No. 1TA), filed February 15, 1978, and published in the FEDERAL REGISTER. issue of March 29, 1978, and republished as corrected this issue. Applicant: B & L TRUCK LINES, INC., 339 East 34th St., Lubbock, TX 79404. Applicant's representative: Richard Hubbert, 1607 Broadway, Lubbock, TX 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquetts*, from Dierks, AK, to points in AZ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weyerhaeuser Co., P.O. Box 1060, Hot Springs, AK 71901. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 144630 (Sub-No. 1TA), filed April 25, 1978. Applicant: NETTLETON ENTERPRISE CO., INC. d.b.a., NORWOOD TRANSPORT, Route 1, Box 96, Elgin, IL 60120. Applicant's representative: Robert J. Gill, 29 S. LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial machinery, construction equipment and tools*, which because of their size or weight require the use of specialized equipment, between Chicago, IL and its commercial zone, Janesville and Madison, WI, Indianapolis, IN and Joliet, IL on the one hand, and, on the other, all points in the United States, except AK and HI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Indeck Power Equipment Co., James R. Forsythe, traffic manager, 1075 Noel Avenue, Wheeling, IL 60090. Send protests to: Transportation Assistant, Patricia A. Roscoe, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 144639 (Sub-No. 1TA), filed April 27, 1978. Applicant: WAR EAGLE EXPRESS, INC., 2014 Steel Drive, Tucker, GA 30084. Applicant's representative: Ralph Armistead (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass soft drink bottles* from Atlanta, GA to the plantsites of Royal Crown Cola in Orlando, Jacksonville and Miami, FL; (2) *Soft drinks in aluminum cans* from Orlando, FL to Waycross, Dublin, Savannah, Valdosta, Tifton, Albany, Macon, and Columbus, GA on return, under a continuing contract or contracts with Royal Crown Bottlers of Florida, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Royal Crown Bottlers of Florida, Inc., 3801 L. B. McLeod, Orlando, FL 32805. Send protests to: E. A. Bryant, District Supervisor, ICC, Room 300, 1252 W. Peachtree St. NW., Atlanta, GA 30309.

No. MC 144680 (Sub-No. 1TA), filed April 27, 1978. Applicant: AMERICAN RIVER LINES, INC., P.O. Box 853, Greenville, MS 38701. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used agricultural implements, equipment and machinery, used in the harvest of cotton, and attachments, accessories, parts, equipment and supplies therefor* (except commodities in bulk) between points in AR and MS, on the one hand, and, on the other, points in TX, for 180 days. Supporting shipper(s): There are approximately (10) statements of support attached to the application which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, ICC, Room 212, 145 E. Amite Bldg., Jackson, MS 39201.

No. MC 144683TA, filed April 25, 1978. Applicant: DAVE JONES WRECKER SERVICE, INC., 501 Highway 17-92, Fern Park, FL 32730. Applicant's representative: John A. Sutton, P.O. Box 367, Orlando, FL 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles, trailers and motor homes and replacement vehicles and parts therefor* between all points and places in States of FL, GA, NC, SC, TN, KY, AL, LA, IN, OH, MI, IL, and MS, for 180 days. Supporting shippers: There are approximately (6) statements of support attached to the application which may be examined at the field office named below. Send protests to: District Supervisor, G. H. Fauss, Jr., ICC, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 144684TA, filed April 26, 1978. Applicant: WALTER G. KITCHENS, P.O. Box 185, Seale, AL 36875. Applicant's representative: Walter G. Kitchens (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, plywood, poles and particleboard*, between AL and GA for 180 days. Supporting shipper: Lowe's Co., Inc., P.O. Box 156, Pittsview, AL 36871. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, ICC, Room 1616-2121 Building, Birmingham, AL 34203.

No. MC 144685TA, filed April 27, 1978, Applicant: BARRY JOHN THOMPSON, d.b.a. B. J. T. ENTERPRISES, Route 2, Box, 185, 5438 Highway 26 North, Janesville, WI 53545. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles, including replacment vehicles therefor*, (1) between Janesville, WI, on the one hand, and, on the other hand, points in IL, IA, IN, MI, OH, MN, and MO; (2) between Dilworth, MN, on the one hand, and, on the other hand, points in IA, ND, and SD; (3) between Minneapolis, MN, on the one hand, and, on the other hand, points in IA, ND, SD, and WI; (4) between Chicago, IL, on the one hand, and, on the other hand, points in IN, IA, MI, OH, MO, and WI; and (5) between Council Bluffs, IA, on the one hand, and, on the other hand, points in MO, NE, ND and SD, under a continuing contract or contracts with Janesville Auto Transport Co., Janesville, WI, for 180 days. Supporting shipper: Janesville Auto Transport Co., P.O. Box 959, Janesville, WI 53545. Send protests to: ICC, Ronald A. Morken, District Supervisor, 139 W. Wilson Street, Room 202, Madison, WI 53703.

No. MC 144686TA, filed April 27, 1978. Applicant: LAWAYNE FARMER d.b.a., LAWAYNE FARMER TRUCKING, Route No. 3, Gainesville, GA 30501. Applicant's representative: Robert H. Smalley, Jr., 115 North Sixth Street, Griffin, GA 30224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients* between all points in the States of AL, FL, GA, MS, NC, SC and TN, under a continuing contract or contracts with Southeastern Feed Ingredients, Inc., for 180 days. Supporting shipper: Southeastern Feed Ingredients, Inc., Route 3, Box 53, Gainesville, GA 30501. Send protests to: E. A. Bryant, District Supervisor, ICC, Room 300, 1252 West Peachtree Street, NW., Atlanta, GA 30309.

No. MC 144687TA, filed April 27, 1978. Applicant: CURTIS R. McPEAK,

d.b.a., McPEAK TRUCKING, Box 35, Dalton City, IL 61925. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain storage, handling and drying equipment*, for the account of Grain Systems, Inc., Assumption IL, from Assumption, IL, to points in AR, AL, AZ, CA, CO, DE, GA, IA, IN, KY, KS, LA, MO, MN, MI, MD, MS, NE, NJ, NV, NC, NY, OH, OK, PA, SC, TX, TN, VA and WI, under a continuing contract or contracts with Grain Systems, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles Jordan, General Traffic Mgr., Grain Systems, Inc., Route 51, Assumption, IL 62510. Send protests to: Charles D. Little, District Supervisor, ICC, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 144688TA, filed April 27, 1978. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Applicant's representative: Lavern R. Holderman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses* from the facilities of the Clorox Co., at or near the Atlanta, GA Commercial Zone, to points in the State of KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Clorox Co., P.O. Box 24305, Oakland, CA 94623. Send protests to: E. A. Bryant, District Supervisor, ICC, Room 300, 1252 W. Peachtree Street NW., Atlanta, GA 30309.

No. MC 144689TA, filed April 24, 1978. Applicant: COX TRANSFER, INC., P.O. Box 168, Eureka, IL 61530. Applixant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, empty bottles, caps, cans, pallets, barrels, and commodities used in the manufacture or process of malt beverages*, between the facilities of Pabst Brewing Co, Peoria Heights, IL on the one hand, and the facilities of Pabst Brewing Co., Milwaukee, WI, on the other, for the account of Pabst Brewing Co., Milwaukee, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pabst Brewing Co., Richard Trampe, Corporate Traffic Director, 917 West Juneau Avenue, Milwaukee, WI 53201. Send protests to: Transportation Assistant, Patricia A. Roscoe, ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 144690TA, filed April 28, 1978. Applicant: CHERRY-WINK, INC., 800 East 8th Street, Odessa, TX 79761. Applicant's representative: Harry F. Horak, Room 109, 5001 Brentwood Stair Road, Forth Worth, TX 76112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, floor covering, and materials and supplies used or useful in the installation and maintenance thereof*, from Dalton and La Grange, GA and points within 50 miles of each to points in TX, west of US Hwy 283 and on and north of US Hwy 67, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (14) statements of support attached to the application which may be examined at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, ICC, Bureau of Operations, Box F-13206, Federal Building, Amarillo, TX 79101.

No. MC 144691TA, filed April 18, 1978. Applicant: PIERSON TRUCKING CO., 7344 Southeast Johnson Creek Boulevard, Portland, OR 97206. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rust preventative pipe line coating, and coal tar products* from the facilities of Koppers Co. at or near fontana, CA to points in Clackamas and Multnomah Counties, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Beall Pipe & Tank Corp., 12005 North Burgard, Portland, OR 97203; Hall Process Co., 9571 Southeast Mather Road, Clackamas, OR 97015. Send protest to: R. V. Dubay, District Supervisor, Bureau of Operations, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

By the Commission.

H. G. HOMME, J4.,
Acting Secretary.

[FR Doc. 78-14925 Filed 5-26-78; 8:45 am]

[7035-01]

[Notice No. 53]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before June 29, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-35477 filed May 12, 1978. Lessee: CREEL TRUCKING & CONSTRUCTION CO., P.O. Box 370, Daisetta, TX 77533. Lessor: James G. Creel, P.O. Box 370, Daisetta, TX 77533. Applicants' representative: William D. Lynch, Attorney At Law, P.O. Box 912, Austin, TX 78767. Authority sought for lease by lessee of the operating rights currently held by E. A. Johnson and Sons, Inc. and sought to be acquired by lessor pursuant to No. MC-FC-77545 (published in the FEDERAL REGISTER of May 22, 1978). The authority is set forth in Certificate No. MC-19922 and, Certificate of Registration No. MC-19922 (Sub-No. 3), issued September 9, 1957 and June 1, 1964, respectively in the name of E. A. Johnson & Sons, Inc. as follows: Specified commodities between points in TX. Lessee is presently leasing this authority from E. A. Johnson & Sons, Inc. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77624, filed April 11, 1978. Transferee: JIM MARRS TRUCKING CO., P.O. Box 632, Drumright, OK 74030. Transferor: I. B. Gill Trucking Co., 5301 South High Street, Oklahoma City, OK 73129. Applicant's representative: for Transferee: Charles D. Watson, Jr., P.O. Box 647, Drumright, OK 74030. For Transferor: Rufus H. Lawson, 106 Bixler

Building, 2400 Northwest 23rd Street, Oklahoma City, OK 73107. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate, No. MC 55891, issued September 11, 1956, as follows: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, between points in OK, TX, and KS. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77646, filed April 28, 1978. Transferee: ALLIED TRANSPORTATION SERVICES, INC., P.O. Box 7424, Shawnee Mission, KS 66207.Transferor: Milk Producers Marketing Co., d.b.a. ALL-STAR TRANSPORTATION, 2nd and Turnpike Road, Lawrence, KS 66044. Applicants' representative: Tom B. Kretsinger, 910 Brookfield Building, 101 West 11th Street, Kansas City, MO 64105. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 134182, MC 134182 (Sub-No. 7), MC 134182 (Sub-No. 8), MC 134182 (Sub-No. 10), MC 134182 (Sub-No. 11), MC 134182 (Sub-No. 21), MC 134182 (Sub-No. 23), MC 134182 (Sub-No. 30) and MC 134182 (Sub-No. 32), issued September 17, 1974, July 5, 1972, October 7, 1976, September 24, 1974, August 29, 1974, February 19, 1975, April 26, 1976, June 16, 1976, and July 29, 1977, respectively as follows: Frozen prepared foods, and frozen poulty when transported in the same vehicle with frozen prepared foods, from Carrollton, Macon, Marshall, Milan, Moberly, St. Joseph, and Sedalia, MO, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC; Meats, meat products, and meat byproducts and articles distributed by meat packinghouses (except hides and commodities in bulk) from Emporia, KS, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC.; Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses (except hides and commodities in bulk), from the plantsite and storage facilities of Tama Meat Packing Corp., at or near Holton, KS, to points in CT, DE, PA, RI, VT, MD, MA, NH, NJ, NY, VA, WV, and DC; Meats, meat products, and meat byproducts (except commodities in bulk), from the facilities utilized by Dubuque Packing Co., located at Mankato, KS, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and DC; Frozen foods, from the facilities of Banquet Foods Corp., at Wellston, OH, to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, PA, RI, VT, VA, WV, WI, and DC; Frozen batters, from Tulsa, OK, to points in CT, IN, MD, MA, NJ, NY, OH, PA, RI, VA, and WV; Meat, meat products, meat byproducts, and articles distributed by meat packinghouses (except hides and commodities in bulk), from the facilities of Seitz Foods, Inc., at St. Joseph, MO, to Philadelphia, PA; fruit juices, fruit punches, and flavored drinks (except frozen beverages), from the facilities of Milk Producers Marketing Co., doing business as All Star Beverage, at Lawrence, KS, to points in AR, CO, MO, MT, NE, NM, ND, OK, SD, and WY; and beverages, not frozen (except in bulk), from the plantsite of All-Star Beverage, at Lawrence, KS, to the plantsite of Hi-Port Industries, Highlands, TX. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77656, filed May 8, 1978. Transferee: Y. G. TRUCKING, INC., 742 Garden Wood, Greenville, OH 45331. Transferor: The Buckeye Storage Co., P.O. Box 1364, 320 North Mulberry Street, Mansfield, OH. Applicant's representative: Noel F. George, Attorney at Law, 100 East Broad Street, Columbus, OH 43215. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 99882 (Sub-No. 3), issued June 22, 1965, as follows: Specified commodities between specified points in OH. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77665, filed May 9, 1978. Transferee: R. W. JOHNSON, d.b.a. R. W. JOHNSON MINING AND HAULING, P.O. Box 384, Battle Mountain, NV 89820. Transferor: A. G. Miller, Battle Mountain, NV 89820. Applicant's representative: George G. Holden, Attorney at Law, P.O. Box 448, Battle Mountain, NV 89820. Authority sought for purchase by Transferee of the operating rights of Transferor, as set forth in No. MC 95581, issued the 11th day of September, 1943, as follows: *Ore* and *Concentrates:* From points within 50 miles of Battle Mountain, NV except those on U.S. Hwy 40 between Carlin and Winnemucca, NV to rail heads at Battle Mountain, Valmy, Argenta, Dunphy, and Beowawe, NV and *machinery, mining equipment, materials,* and *supplies* ordinarily used by mining companies. From the above-specified destination points to points in the above-described Nevada origin territory. Transferee presently holds no authority from this commission and application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77666, filed May 17, 1978. Transferee: Ronald W. Kiesel, P.O. Box 275, Shelby, IA. Transferor: Laverne A. Krieger, Shelby, IA 51570. Applicant's representative: Ronald W. Kiesel, P.O. Box 275, Shelby, IA 51570. Authority sought for purchase of the operating rights set forth in Certificate No. MC 69032 issued September 21, 1955 as follows: *Beer* and *empty beer containers* over a specified regular route between Council Bluffs, IA and St. Joseph, MO and *feed* and *lumber* over irregular routes between Shelby, IA and points within 10 miles thereof, on the one hand, and on the other, Omaha, NE and *general commodities* with the usual exceptions from Omaha, NE to Shelby, IA. Transferee holds no Commission authority and does not seek section 210a(b).

No. MC-FC-77668, filed May 12, 1978. Transferee: B MOTOR FREIGHT, INC., 451 Old Airport Road, New Castle, DE 19720. Transferor: Marcus Trucking Co., Inc., P.O. Box 72, Wilmington, DE 19899. Applicant's representative: Gerald K. Burns, 3308 Englewood Road, Wilmington, DE 19810. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit, No. MC 139805 (Sub-2), issued March 23, 1976 in the name of Cephas Brothers Transport, Ltd. and acquired by transferor pursuant to MC-FC-76884 approved March 18, 1977, and consummated April 28, 1977, as follows: *Synthetic fibers* and *textile materials and products,* from the facilities of E. I. Dupont de Nemours & Co. at or near Chattanooga, TN to points in specified counties in PA. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77669, filed May 17, 1978. Transferee: PAT AND JAKE'S, INC., 5838 Monroe Street, Sylvania, OH 43560. Transferor: Carl & Gene Towing Service, Inc., 1418 Elm Street, Toledo, OH 43608. Applicant's representative: Wolfgang Drescher and Arthur R. Cline, 403 Security Building, Toledo, OH 43604. Authority sought for purchase of the operating rights set forth in Certificate No. MC 108804 (Sub-No. 1) issued December 7, 1966 as follows: *Wrecked or disabled motor vehicles,* in truckaway service, between points in Lucas County, OH, on the one hand, and, on the other points in Steuben County, IN and in Monroe, Lenawee, and Wayne Counties, MI. Transferee holds no Commission authority; application has been filed for section 210a(b) temporary authority.

No. MC-FC-77670, filed May 12, 1978. Transferee: JAMES L. SMITH and JERRY ATTKISSON, d.b.a. Smith and Attkisson Trucking Co., Route 2, Columbia, TN 38401. Transferor: Kathleen Robins, d.b.a. Robins Transfer Co., Lawrenceburg, TN 38464. Applicants' representative: James N. Clay III, Attorney at Law, 2700 Sterick Building, Memphis, TN 38103. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 128941 (Sub-No. 1) and (Sub-No. 3), issued September 13, 1968 and June 13, 1973 respectively as follows: *Sand*, from points in specified counties in AL, to points in specified counties in TN. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 142451. Application has been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14926 Filed 5-26-78; 8:45 am]

[7035-01]

[Finance Docket No. 28759]

OREGON-WASHINGTON RR & NAVIGATION CO. AND UNION PACIFIC RR CO.

Acquisition and Operation—Over Burlington Northern, Inc. in Shoshone County, ID

OR-WA RR & Navigation Co. and Union Pacific RR Co., 1416 Dodge Street, Omaha, NE 68179, represented by Joseph D. Anthofer, Assistant General Attorney, Union Pacific RR Co., 1416 Dodge Street, Omaha, NE 68179, hereby give notice that on the 10th day of May, 1978, they filed with the Interstate Commerce Commission at Washington, DC, a joint application under section 1(18) of the Interstate Commerce Act for an order approving and authorizing the acquisition and operation of a line of railroad owned by the Burlington Northern, Inc., a distance of approximately 9.73 miles in length from milepost 49.07 near Mullan, ID, to milepost 58.80 near Wallace in Shoshone County, ID, which application is assigned Finance Docket No. 28759.

By this application, applicants propose to acquire and operate a line of railroad presently owned and operated by Burlington Northern Inc. (BN). The line to be acquired and operated will be owned by OR-WA RR & Navigation Co. and will be operated by Union Pacific RR Co.

The line to be acquired and operated runs in a northwesterly direction from milepost 49.07 near Mullan to milepost 58.80 near Wallace in Shoshone County, ID.

BN must operate over Lookout Pass, between Mullan and Saltese, in the Bitterroot Mountain Range to serve Mullan and Wallace. This mountain pass receives heavy snow and adverse weather conditions, making it very difficult to serve Mullan and Wallace during the long winter season. Applicants can serve Mullan and Wallace without encountering those operating difficulties. If applicants acquire and operate the line, efficiencies and savings will result without any reduction in rail services.

This application is made contingent upon the issuance of an appropriate certificate of public convenience and necessity by the Commission in Docket No. AB-6 (Sub-No. 51F) by the Burlington Northern, Inc. to abandon a portion of its line of railroad known as the "Haugan to Wallace Line" extending from milepost 19.57 near Haugan, MT, to the end of the branch line at milepost 58.61 near Wallace, ID, a distance of 39.04 miles, in Mineral County, MT, and Shoshone County, ID. This line includes the Mullan-Wallace trackage which applicants seek authority to acquire and operate.

In the opinion of the applicants, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC, 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14930 Filed 5-26-78; 8:45 am]

[7035-01]

[Docket No. AB-12 (Sub-No. 37)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Quinif and Rosebud in Falls and Milam Counties, Tex., Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision entered on December 6, 1977, and the decision of the Commission, Division 1, acting as an Appellate Division, served April 25, 1978, adopted the decision of the Commission, Review Board Number 5, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Co. of the line of railroad extending from railroad milepost 119.7 near Quinif, Tex., to the end of the branch at railroad milepost 133.7 near Rosebud, Tex., in Falls and Milam Counties, Tex. A certificate of abandonment will be issued to the Southern Pacific Transportation Co. based on the above-described finding of abandonment, 30 days after publication of this notice (June 29, 1978), unless within 30 days from the date of publication, the Commission further finds that: (1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and (2) It is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or

the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14929 Filed 5-26-78; 8:45 am]

[7035-01]

[Docket No. AB-20 (Sub-No. 2)]

THE TEXAS & PACIFIC RAILWAY CO.

Abandonment Between Mansura and Marksville in Avoyelles Parish, La; Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision entered on September 16, 1977, and the decision of the Commission, Division 2, served April 24, 1978, as modified, affirmed and adopted the decision of the Administrative Law Judge, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Missouri Pacific Railroad Co. as successor in interest to The Texas & Pacific Railway Co. of its branch line beginning at milepost 79.6 near Mansura, La., and extending to the end of the line near milepost 84.7 at Marksville, La., a distance of 5.1 miles in Avoyelles Parish, La. A certificate of abandonment will be issued to the Missouri Pacific Railroad Co. based on the above-described finding of abandonment, 30 days after publication of this notice (June 29, 1978), unless within 30 days from the date of publication, the Commission further finds that: (1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and (2) it is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14928 Filed 5-26-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Credit Corporation	1
Equal Employment Opportunity Commission	2
Federal Communications Commission	3
Federal Deposit Insurance Corporation	4
Federal Energy Regulatory Commission	5, 6
Federal Maritime Commission	7
Federal Reserve System	8
Foreign Claims Settlement Commission	9
Nuclear Regulatory Commission	10
United States Parole Commission	11
Securities and Exchange Commission	12

[3410-05]

1

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 10 a.m., June 6, 1978.

PLACE: Room 2-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board meeting on March 16, 1978 and adjourned meeting on March 27, 1978.
2. Report re Implementation of section 1420 of the Food and Agriculture Act of 1977 (hydrocarbons).
3. Docket TCP 137a re 1978-crop barley, corn, oats, rye, sorghum, and wheat loan, purchase, payments, set-aside and land diversion programs.
4. Docket TCS 313 re Purchase of wheat.
5. Docket TCP 33a re 1978-crop rice loan, purchase and payment program.
6. Docket TCP 105 re 1978-crop soybean loan and purchase program.
7. Docket TCP 110a, 1978-crop flaxseed purchase agreement program.
8. Docket TCP 72a, Amendment 1 re 1978-cotton loan and payment program (upland).
9. Docket TCP 31a re 1978-crop peanut loan and purchase program.
10. Docket TCP 40a re 1978-tobacco loan program.
11. Docket TCO 33a re Research on the storage of rough rice.

CONTACT PERSON FOR MORE INFORMATION:

Bill Cherry, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, telephone 202-447-7583.

[S-1110-78 Filed 5-25-78; 11:03 am]

[6570-06]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, May 30, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of the meeting will be open to the public and parts will be closed.

MATTERS TO BE CONSIDERED:

Parts open to the public:

1. Staff report on activities of the Office of Public Affairs.
2. Report by Executive Director on Commission Operations.

Parts closed to the public:

1. Request from a State for Exemption from EEO—Employment Survey Reporting Requirements.
2. Litigation Authorization and the Commission's Participation in Certain Civil Actions: Matters closed to the public under Sec. 1612.13(a) of the commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This notice issued May 23, 1978.

[S-1111-78 Filed 5-25-78; 2:35 pm]

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, May 31, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Agenda. Item No., and Subject

General—1—Exemption of amateur receivers from marketing restrictions in section 15.59 of the rules (Docket No. 20746).

General—2—Petitions to reconsider Commission order in Docket No. 20509.

General—3—Administration of operator examinations in the Amateur Radio Service.

Safety and Special Radio Service—1—Federal policy on the use of Citizens Band Radio by motor vehicle operators.

Safety and Special Radio Service—2—Amendment of Part 87 of the rules to authorize broadcasts by aircraft in accordance with FAA traffic advisory practices.

Common Carrier—1—Waiver of Parts 2 and 21 of the rules to allow Mt. Shasta Radiotelephone, Inc. (DPLMRS), to operate facilities in the 928-942 MHz band.

Common Carrier—2—Complaint of the Department of Defense against the A.T. & T. and the C. & P. telephone companies of Maryland, Virginia and D.C. File No. TS 4-76.

Common Carrier—3—Granbury Communications' application to establish a two-way station (DPLMRS) on 454.350 MHz in Springtown, Tex.

Common Carrier—4—Proposed AVD rate reductions filed by ITT World Communications and Western Union International.

Cable Television—1—Termination of Tri-Boro Cablevision show-cause hearing (Docket No. 21397).

Cable Television—2—Order to amend technical rules in the Cable Television Relay Service (CARS), CT Docket No. 78-51.

Cable Television—3—Request for waiver filed by Cable TV of York, Pa.

Assignment of License and Transfer of Control—1—Assignment applications filed by Communico Oceanic Corp. (KPOI) and by KHVH, Inc. (KHVH), both Honolulu, Hawaii, to trade frequencies.

Assignment of License and Transfer of Control—2—Assignment of WAIM, WCAC-FM and WAIM-TV, (Anderson, South Carolina) from Wilton Hall to Frank Outlaw.

Renewal—1—Renewal of WGBH-TV, Boston, Mass. (WGBH Educational Foundation) and objection filed by Morality in Media of Massachusetts, Inc.

Television—1—Reconsideration of grant of construction permit for new educational TV station on channel 12, Broomfield, Colo.

Television—2—Reconsideration of Commission grant to Margaret S. Downey for a new UHF translator in Springfield, Mass.

Portions closed to the public:

Agenda, Item No., and Subject

Hearing—1—Reconsideration of the Commission's decision in the Greenwood, Miss., AM and FM renewal proceeding (Docket Nos. 20025-26).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone 202-632-7260.

Issued: May 24, 1978.

[S-1113-78 Filed 5-25-78; 2:35 pm]

[6714-01]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGE IN SUBJECT MATTER OF AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at its open meeting held at 3:30 p.m. on May 24, 1978, the Corporation's Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann, with Director William M. Isaac concurring, that Corporation business required its consideration at that meeting, on less than seven days' notice to the public, of an amendment to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," to permit mutual savings banks in the State of Washington to issue 8 percent certificates of deposit with eight-year maturities which must be paid in six years if no action is taken by the State legislature to change the present law.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: May 24, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-1112-78 Filed 5-25-78; 2:35 pm]

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10:30 a.m., May 31, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE:—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

GAS AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

PIPELINE RATE MATTERS

A. Pipeline rates

RP-1.—Docket No. RM77-14, Opinion No. 11.
RP-2.—Docket No. RP78-58, South Texas Natural Gas Gathering Co.
RP-3.—Docket No. RP78-20, Columbia Gas Transmission Corp., Docket No. RP78-19, Columbia Gulf Transmission Co.
RP-4.—Docket No. RP78-62, Panhandle Eastern Pipe Line Co.
RP-5.—Docket No. RP78-18, El Paso Natural Gas Co.
RP-6.—Docket No. RP78-42, Transcontinental Gas Pipe Line Corp.
RP-7.—Docket No. RP77-57, National Fuel Gas Supply Corp., Docket No. RP76-96, National Fuel Gas Supply Corp.

II. PRODUCER MATTERS

A. Producer rates

CI-1.—Docket Nos. AR61-2 and AR69-1, et al., Area Rate Proceeding, et al., (Southern Louisiana Area).
CI-2.—Reserved.
CI-3.—Reserved.

B. Producer certificates

CI-4(A)—Docket No. CI77-497, MESA PETROLEUM CO., Docket No. RP77-62, Tennesssee Gas Pipeline Co.
CI-4(B)—Docket Nos. CI77-497, CI77-826, CI77-830 and CI78-65, MESA Petroleum Co.
CI-5.—Docket No. CI77-448, Amoco Production.
CI-6.—Docket No. CI77-327, Cities Service Co.
CI-7.—Docket No. CI77-711, Transco Exploration Co.
CI-8.—Docket Nos. CI77-681 and CI77-682, Southern Union Supply Co., Phillips Petroleum Co.

III. PIPELINE CERTIFICATES

A. Pipeline certificates

CP-1.—Docket Nos. CI75-372 and CP75-373, Tennessee Gas Pipe Line Co., a division of Tenneco, Inc.
CP-2.—Docket No. CP78-171, Southern Natural Gas Co., Texas Gas Transmission Corp., and United Gas Pipe Line.
CP-3.—Docket No. CP76-76, Southern Natural Gas Co.
CP-4.—Docket No. CP78-55, Consolidated Gas Supply Corp.
CP-5.—Docket No. CP72-181, Panhandle Eastern Pipe Line Co., Docket No. CP73-44, Colorado Interstate Gas Co.
CP-6.—Docket No. CI74-158, Northwest Pipeline Corp.
CP-7.—Reserved.
CP-8.—Reserved.
CP-9.—Reserved.

B. Order No. 2 Authorizations

CP-10.—Docket No. CP78-32, Transcontinental Gas Pipe Line Corp., Docket No. CP78-85, United Gas Pipe Line Co.
CP-11.—Docket No. CI78-238, Southern Natural Gas Co.
CP-12.—Reserved.
CP-13.—Reserved.
C.—Storage.
CP-14.—Docket No. CP78-72, Trunkline Gas Co.
CP-15.—Reserved.
CP-16.—Reserved.
D.—LNG.
CP-17.—Docket No. CP75-14, Algonquin LNG, Inc., and Algonquin Gas Transmission Co.
CP-18.—Reserved.
CP-19.—Reserved.
E.—Curtailment.
CP-20.—Docket Nos. RP71-29, et al., United Curtailment.

GAS AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

CAG-1.—Docket No. RP78-23, Midwestern Gas Transmission Co.
CAG-2.—Docket No. RP73-8 (PGA No. 78-6), North Penn Gas Co.
CAG-3.—Docket No. RP77-114 Western Transmission Corp.
CAG-4.—Docket No. RI77-124, RI77-125, RI77-126, RI77-127, RI77-130 and RI77-135, The Maurice L. Brown Co.
CAG-5.—Docket No. CP78-142, Michigan Wisconsin Pipe Line Co.
CAG-6.—Docket No. CP76-97, Stingray Pipeline Co.
CAG-7.—Docket No. CP78-269, Consolidated Gas Supply Corp.
CAG-8.—Docket Nos. CI77-320, et al., Cabot Corp.
CAG-9.—Docket Nos. G—20548, et al., ONG Exploration, Inc. (Successor to Oklahoma Natural Gas Co.), et al.
CAG-10(A)—Docket No. CI77-721, et al., Transcontinental Gas Pipe Line Corp.
CAG-10(B)—Docket Nos. CP77-473 and CP77-479, Panhandle Eastern Pipe Line Co.
CAG-10(C)—Docket No. RP72-149 (PGA77-10), Laclede Gas Co.
CAG-10(D)—Pennzoil Co. FERC Gas Rate Schedule No. 10.

MISCELLANEOUS AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

M-1.—Docket No. RM Revision in Section 2.56a, Section 154.94 and Section 260.6 of Title 18 of the Code of Federal Regulations to Eliminate Certain Rate Change Filing Requirements.
M-2.—Contract Provisions under Section 154.93.
M-3.—Inflated rate increase filings.

MISCELLANEOUS AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

CAM-1.—Columbia Gas Transmission Corp.
CAM-2.—Tucson Gas and Electric Co.

POWER AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

I. ELECTRIC RATE MATTERS

ER-1.—Docket Nos. ER78-19 and ER78-81 (Phase I), Florida Power & Light Co.
ER-2.—Docket No. EL78-19, Black Hills Power & Light Co.
ER-3.—Docket No. ER78-360, Connecticut Yankee Atomic Power Co.
ER-4.—Docket No. E-9408, American Electic Power Service Corp.

POWER AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

CAP-1.—Docket No. ER78-358, Arizona Public Service Co.
CAP-2.—Docket No. ER78-345, Tucson Gas & Electric Co.
CAP-3.—Docket No. ER78-323, Tucson Gas & Electric Co.
CAP-4.—Docket No. ER77-522, Kansas City Power & Light Co.
CAP-5.—Docket No. ES78-30, Iowa Southern Utilities Co.
CAP-6.—Docket No. ES78-31, Iowa Power & Light Co.
CAP-7.—Docket No. DA-222—Washington, Bureau of Land Management.
CAP-8.—Docket No. DA-120—Alaska, State of Alaska.
CAP-9.—Project No. 1971, Idaho Power Co.
CAP-10(A)—*Metropolitan Edison Company v. F.E.R.C.*, D.C. Cir. No. 78-1330 (Docket Nos. ER76-209 and ER76-492).
CAP-10(B)—*Pennsylvania Electric Company v. F.E.R.C.*, D.C. Cir. No. 78-1329 (Docket No. ER76-607).

KENNETH F. PLUMB,
Secretary.

[S-1107-78 Filed 5-25-78; 11:03 am]

[6740-02]

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 21977, published May 22, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., May 25, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CI77-702.—Pennzoil Louisiana & Texas Offshore Co., Inc.
CI77-703.—Pogo Producing Co. (formerly Pennzoil Offshore Gas Operators, Inc.)
CI78-96.—Pennzoil Oil & Gas, Inc.

KENNETH F. PLUMB,
Secretary.

[S-1114-78 Filed 5-25-78; 2:35 pm]

[6730-01]

7

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 21562, May 18, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 25, 1978.

CHANGES IN THE MEETING: Addition of the following item to the open session:

13. Soviet liner activities in the United States foreign trade.

[S-1117-78 Filed 5-25-78; 3:15 pm]

[6210-01]

8

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Friday, May 26, 1978.

The business of the Board requires that this meeting be held with less than 1 week's notice to the public and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Requests to increase the ceiling rate to 8 per cent on Individual Retirement Account/Keogh time deposits outstanding on June 1, 1978.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3202.

Dated: May 24, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. S-1108-78 Filed 5-25-78; 11:03 am]

[6770-01]

9

[F.C.S.C. Meeting Notice No. 21-77]

FOREIGN CLAIMS SETTLEMENT COMMISSION.

NOTICE OF MEETINGS—ANNOUNCEMENT IN REGARD TO COMMISSION MEETINGS AND HEARINGS

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wednesday, June 7, 1978, at 10:30 a.m.—Routine Business.
Wednesday, June 14, 1978, at 10:30 a.m.—Routine Business.
Wednesday, June 21, 1978, at 10:30 a.m.—Routine Business.
Wednesday, June 28, 1978, at 10:30 a.m.—Routine Business.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579, telephone 202-653-6156.

Dated at Washington, D.C. on May 24, 1978.

FRANCIS T. MASTERSON,
Executive Director.

[S-1116-78 Filed 5-25-78; 2:35 pm]

[7590-01]

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of May 29, 1978.

PLACE: Commisioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, MAY 31, 9:30 A.M.

1. Discussion of petitions to review ALAB-471 (Seabrook), approximately 1 hour. (Closed—Exemption 10.)
2. Discussion of personnel matter, approximately 1½ hours. (Closed—Exemption 6.)

WEDENSDAY, MAY 31, 3 P.M.

Discussion of May 2, 1978, UCS petition for reconsideration, approximately 1 hour (public meeting).

NOTE.—May be affirmed on Thursday at 11:30 a.m.

THURSDAY, JUNE 1, 9:30 A.M.

1. Discussion of international safeguards functions, approximately 1 hour (public meeting).
2. Discussion of resource allocation, approximately 1 hour (public meeting).
3. Affirmation items, approximately 10 minutes (public meeting): (a) Protection of safeguards information and (b) recommendation on proposed amendments to Part 73 to require reporting of misadministration of byproduct material.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

MAY 24, 1978.

[S-1115-78 Filed 5-25-78; 2:35 pm]

[4410-01]

11

UNITED STATES PAROLE COMMISSION: National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: 9:30 a.m., Wednesday, June 14, 1978.

PLACE: Room 338, Federal Home Loan Bank Board Building, 320 First Street NW., D.C. 20537.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 20 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, 202-724-3094.

[S-1109-78 Filed 5-25-78; 11:03 am]

[8010-01]

12

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 21793, May 19, 1978.

STATUS: Open meeting; closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

PREVIOUSLY ANNOUNCED TIME AND DATE: Thursday, May 25, 1978, 10 a.m.; closed meeting immediately following.

CHANGES IN THE MEETING: Additional items to be considered:

The following additional item will be considered by the Commission at the open meeting scheduled for Thursday, May 25, 1978, at 10 a.m.:

Consideration of a request for hearing on an application by Madison Fund, Inc., and First National Stores for an order under the Investment Company Act of 1940 to permit certain transactions in connection with the proposed merger of Pick-N-Pay Supermarkets, Inc., into First National Stores, Inc.

The following additional items will be considered by the Commission at the closed meeting scheduled immediately following:

Freedom of Information Act appeal.
Formal order of investigation.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of these items and that no earlier notice thereof was possible.

MAY 24, 1978.

[S-1106-78 Filed 5-25-78; 11:03 am]

federal register

TUESDAY, MAY 30, 1978
PART II

IMPROVING GOVERNMENT REGULATIONS

Proposals for Implementing Executive Order 12044

Table of Contents

Commerce Department 23170
Health, Education, and Welfare Department 23119
Renegotiation Board 23197
Water Resources Council 23199

PREVIOUSLY PUBLISHED PROPOSALS

Listed below are other documents on implementation of Executive Order 12044 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Selective Service System	April 11	15211
Energy Department	May 1	18634
National Capital Planning Commission	May 15	20945
National Aeronautics and Space Administration	May 22	21981
Veterans Administration	May 22	21983
Farm Credit Administration	May 22	21984
Agriculture Department	May 22	21986
Federal Mediation and Conciliation Service	May 22	21993
Defense Department	May 22	21994
Administrative Committee of the Federal Register	May 22	21995
Office of Management and Budget	May 22	21997
Civil Service Commission	May 23	22157
Treasury Department	May 24	22319
ACTION	May 24	22325
Interior Department	May 25	22573
Postal Service	May 25	22587
State Department	May 25	22589
National Foundation on the Arts and the Humanities	May 25	22591
Council on Environmental Quality	May 25	22593
Community Services Administration	May 25	22595
Housing and Urban Development Department	May 25	22598
American Battle Monuments Commission	May 25	22602
Railroad Retirement Board	May 25	22603
Small Business Administration	May 25	22605
Pension Benefit Guaranty Corporation	May 25	22608
Equal Employment Opportunity Commission	May 25	22610
General Services Administration	May 25	22612
Labor Department	May 26	22915
Justice Department	May 26	22922

PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978 Date of Issue
Environmental Protection Agency	May 31
Transportation Department	June 1

REPORT ON OTHER AGENCIES

On June 2, the Office of Management and Budget will publish a listing of agencies that have determined their regulations are not covered by the provisions of the Executive Order.

[4110-12]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

IMPROVING HEW REGULATIONS

Response to Executive Order No. 12044, Improving Government Regulations

AGENCY: Department of Health, Education, and Welfare.

ACTION: Request for public comment.

SUMMARY: The President's Executive order on Improving Government Regulations, Executive Order No. 12044, requires each applicable Federal department and agency to "review its existing process for developing regulations" and to revise the process to comply with the Executive order. This notice contains HEW's response to the Executive order.

DATE: Comments will be most useful if they are submitted by July 31, 1978.

ADDRESS: Comments on this notice should be sent to Frederick M. Bohen, Executive Secretary to the Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201.

OVERVIEW

On March 23, 1978, President Carter issued Executive Order 12044 directing each government agency to "adopt procedures to improve existing and future regulations," and to publish those procedures for public comment.

The President's desire to bring order to the confusing and cumbersome world of government regulation, and advance his more general goal of making government more comprehensible and responsible, translates into three Executive order principles:

1. Keep regulations simple and clear;
2. Minimize the economic and administrative burdens of regulations;
3. Write regulations with meaningful citizen involvement.

In September 1977, HEW initiated Operation Common Sense—a comprehensive program to simplify, shorten, and expedite the Department's regulations development process. Operation Common Sense anticipated the President's Executive order. It represents two distinct management and regulatory initiatives:

1. A five-year effort to review and revise the more than 6,000 pages of HEW regulations already on the books; and
2. Revised procedures to facilitate faster writing of new regulations with policy guidance and oversight by the Secretary and agency heads, and with more citizen participation.

HEW's procedures for Operation Common Sense were published for public comment in the November 18, 1977 issue of the FEDERAL REGISTER.

When the President issued Executive Order 12044, HEW reviewed Operation Common Sense for its consistency with the President's directives.

This Notice responds to the President's Executive order, section by section, and:

1. Reviews those provisions of Operation Common Sense that HEW believes are fulfilling the Order's requirements;
2. Indicates how the Department will modify or augment Operation Common Sense to comply with the Executive order;
3. Provides a progress report on actual results under Operation Common Sense;
4. Provides public notice of all regulations now being written or rewritten by the Department.

In addition, the Department is publishing a description of regulations procedures for the Food and Drug Administration. Because of the volume and highly technical nature of FDA regulations, the Commissioner of Food and Drugs has had delegated authority to issue regulations since 1971 but has implemented Operation Common Sense under the overall guidance of the Secretary.

Dated: May 19, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

I. REQUIREMENTS OF THE PRESIDENT'S EXECUTIVE POLICY

A. POLICY

President Carter's Executive Order states that "regulations should be as simple and clear as possible." The Executive Order further requires that each agency establish executive management procedures to reduce regulatory burdens by insuring that:

1. The need for and purposes of each regulatory initiative are scrutinized.
2. Heads of agencies provide effective oversight.
3. There be early and meaningful intergovernmental and public participation.
4. Policy alternatives are carefully considered before final decisions are made.
5. Paperwork costs and other burdens on the public are minimized.

HEW believes the Department-wide procedures for developing regulations under Operation Common Sense meet or exceed most Executive Order requirements. Since September 1977, the Department has followed these procedures in developing new regulations:

1. Each agency within the Department must submit a proposal to regulate to the Secretary within 45 days after a "triggering" event (enactment of new laws, court orders, Presidential or Secretarial policy decisions).

A regulation proposal is prepared for every regulation initiative an agency intends to undertake.

2. Each regulation proposal submitted by the initiating office or agency must contain the following information:

(a) The agency's view of the need to regulate.

(b) The social and policy significance of the regulations (that is, "technical," "policy significant," or "major").

(c) The schedule for drafting the regulation, including provisions for securing early Secretarial guidance through issue papers and/or meetings.

(d) The name of the person responsible for drafting the regulation.

(e) A public participation plan tailored specifically to the significance of the regulations being proposed, and to audiences potentially affected by the regulation.

(f) An early statement of the possible views of various segments of the public regarding policies to be contained in the regulation.

(g) The agency's plan to coordinate regulation drafting among various offices within HEW and with other agencies where relevant.

3. Regulation proposals are screened by standing Department regulations panels for each of HEW's major operating components composed of key Secretarial appointees representing each of his Assistant Secretaries (Planning and Evaluation, Management and Budget, Legislation, Public Affairs, Office of the General Counsel, Office for Civil Rights, and the Deputy Under Secretary for Intergovernental Affairs). Regulations panels review each proposal to insure that:

(a) Regulations proceed to development only when they are necessary.

(b) The schedule and inter-office coordination proposed by the initiating agency is timely and adequate.

(c) Issues needing guidance and/or early resolution by the Secretary are surfaced in a timely and appropriate manner for his review before drafting begins.

(d) Plans for involving the public in the development of regulation policies are complete and appropriate.

4. The Secretary receives a summary of every meeting of these Department-wide regulations panels which, incidentally, are chaired by top managers of his Executive Secretariat. Through this early and close involvement, the Secretary selectively shapes regulations drafting and policy setting on a case-by-case basis.

5. Once approved for development, regulations are monitored by the Executive Secretary to the Department and his staff to insure that scheduling commitments are met and that

planned coordination takes place within and outside the Department. The Assistant Secretary for Public Affairs help agencies implement their public participation plans. The General Counsel is responsible for insuring that the regulations are written in clear English, that they are legally sufficient, and that policy options at every step of the process are fully developed and analyzed.

Since September 1977, more than 300 regulatory initiatives have been reviewed under Operation Common Sense procedures. As a result of Operation Common Sense:

1. 83 planned regulations have been scrapped as unneeded.

2. 121 regulations stalled in the Department for as long as three years have been published. Clear regulations which attempt to reduce burdens have been drafted and published. For example, rural health clinic regulations under the Medicaid and Medicare programs. (43 FR 5373, February 8, 1978; 43 FR 8258, March 1, 1978; and 43 FR 13860, March 31, 1978).

3. Regulations implementing new and important laws have been developed and published on a timely basis (Medicaid/Medicare Anti-Fraud and Abuse Amendments of 1977, Rural Health Clinic Services Act of 1977, Social Security Amendments of 1977).

B. REFORM OF THE PROCESS FOR DEVELOPING SIGNIFICANT REGULATIONS

1. *Semi-Annual Agenda of Regulations.*—The Executive Order requires that each Department publish a semi-annual agenda of significant regulations being developed. HEW plans to supplement its current procedures for notifying the public of regulatory initiatives in order to fulfill more completely the intent of the semi-annual agenda by:

(a) Publishing in this Notice a complete, one time list of all new regulations currently being developed and a list of existing regulations that are being reviewed and revised.

(b) Continuing to publish Notices of Decision to Regulate for every regulatory initiative approved by the Secretary. These Notices inform the public immediately that a regulation will be developed, or an existing regulation will be reviewed and rewritten. The public is invited to contact that individual identified in these by telephone or mail to request information, provide comment or guidance, or be placed on a mailing list to receive additional materials.

(c) Publishing a quarterly compendium of all regulatory actions taken by the Department in the preceding 3 months (Notices of Decision to Regulate, Advance Notice of Proposed Rulemaking, Proposed and Final Regulations).

HEW believes these procedures will provide the public with accurate and timely information about its regulatory activities.

2. *Agency Head Oversight.*—The President's Executive Order requires that each agency head review and approve plans for the development of significant regulations. Under Operation Common Sense, as noted earlier, the Secretary of HEW reviews plans for every regulation proposed by the agencies within the Department, except for FDA. Regulations do not proceed to development without Secretarial approval. This approval is based on review of the regulations proposal by Department-wide Regulations Panel, which focuses on the issues to be addressed by the regulation, whether further development of alternatives will be undertaken for early Secretarial guidance or resolution, the need for and methods for achieving public participation, and the schedule for regulation writing.

3. *Opportunity for Public Participation.*—The Executive Order requires that each agency develop procedures to ensure that the public is given early and meaningful opportunity to participate in the development of regulations.

Under Operation Common Sense, the Department has achieved or exceeded Executive Order requirements for public involvement, and continues to explore new ways of strengthening its outreach efforts. Since September, every agency within the Department has been, at a minimum:

(a) Publishing in the FEDERAL REGISTER an early notice to the public that a new regulation is being developed (Notices of Decision to Develop Regulations). In the future, the Department will also indicate in these notices whether it has classified the initiative as "major", "policy significant" or "technical."

(b) Publishing an Advance Notice of Proposed Rulemaking for every regulation classified as "major" and for many classified as "policy significant."

(c) Holding public hearings and open conferences for all "major" and most "policy significant" regulatory initiatives.

(d) Using general and special mailing lists to contact and inform individuals and groups regarding regulations that are of particular interest (as a supplement to publication in the FEDERAL REGISTER).

(e) Contacting interested parties directly and inviting them to meet with policy officials.

(f) Providing for a minimum of 60 days for public comment on each "major" and many "policy significant" regulations. Even for regulations classified as "technical" and without policy significance, the Department routinely maintains a minimum of 45 days for public comment and allows shorter time periods only in extraordinary circumstances (e.g., statutory mandate).

4. *Approval of Significant Regulations.*—The Executive Order requires that the heads of each agency or designated official of statutory responsibility approve significant regulations before they are published for comment in the FEDERAL REGISTER. The Secretary or the Under Secretary of this Department (or the Commissioner in the case of the Food and Drug Administration) review and approve every regulation. Approval is based on all criteria enumerated in the Executive Order. Specifically:

(a) Early Secretarial screening prevents any regulation for which a need has not been established from being developed beyond the proposal stage.

(b) The direct and indirect effects of the regulation are studied and are frequently the focus of memoranda which cover each regulation presented to the Secretary for review.

(c) Consideration of alternative approaches for all "major" regulations and many "policy significant" regulations are raised to the Secretary for decision through issue papers and/or meetings early in the regulation development process.

(d) Public comments are summarized for every regulation, and the Department's summary and response to the comments are a part of the preamble for every final regulation.

(e) The regulation is reviewed for clarity and simplicity by the Deputy General Counsel for Regulation Review.

(f) Every effort has been made to hold down reporting and recordkeeping requirements and to assure, wherever possible, that such requirements are consolidated to avoid conflicting or duplicative burdens.

(g) Every regulation approved by the Secretary and published in the FEDERAL REGISTER contains the name, address, and telephone number of a contact individual within the Department.

(h) Each of HEW's regulations now on the books (6,000 pages of the CFR) will be reviewed within the next 5 years as part of Operation Common Sense's review of existing regulations.

5. *Criteria for determining significant regulations.*—The Executive Order directs each agency to develop criteria by which regulations will be evaluated for their significance. Under Operation Common Sense, HEW has implemented a regulation classification system with three categories:

(a) "Major"—Those regulations issued by the Department that will have considerable economic or policy impact on a broad cross-section of the public, and for which the Department has considerable discretion under law to decide what policies the regulation will contain. The regulation implementing section 504 of the Rehabilita-

tion Act of 1973, prohibiting discrimination against handicapped individuals, is an excellent illustration of this type of regulation.

(b) "Policy significant"—Those regulations affect one segment of the population, an important category of institutions, such as hospitals, schools, or nursing homes. Also, the Department has latitude under law to consider alternative approaches to regulating.

(c) "Technical"—Those regulations that reflect no policy change, affect small numbers of institutions or individuals, cause no measurable economic impact, or involve narrow changes in an existing regulation. In most cases, technical regulations implement laws that are very detained and specific, and for which the Department has no authority to consider alternative policies.

When an agency develops its regulation proposal, it makes a recommendation as to the category under which the initiative will be placed. The agency's classification proposal is reviewed by the relevant regulations panel and ultimately by the Secretary. Once agreement is reached on classification, the development process begins:

(a) Major—When a regulation is classified as "major," the Department automatically:

(1) Undertakes a comprehensive study of alternative policy approaches, including determination of the need for a formal regulatory analysis (as described in the next section of this Notice);

(2) Undertakes an aggressive "out reach" effort to ensure meaningful public participation in the decision-making process. For major regulations, public participation activities typically include, at a minimum: The publication in the FEDERAL REGISTER of an Advance Notice of Proposed Rulemaking (in addition to a Notice of Proposed Rulemaking); extended comment periods at every stage of the process (a minimum of 60 days); public hearings and open meetings; and special mailings to interested individuals, organizations, and media;

(3) Presents for review by the Secretary the results of studies and public views on alternative regulatory approaches;

(4) Designates policy-level appointee to manage the regulation drafting process and to serve as the Secretary's personal contact point with the public and other agencies.

(b) Policy Significant—When a regulation is classified as "policy significant," the Department will tailor, on a case-by-case basis, public participation activities, and study of alternative approaches. At a minimum, each agency in the Department will: Identify policy alternatives and the strengths and weaknesses of each alternative. Public participation in this process will be sought through Notices of Proposed Rulemaking (and in some cases, an additional Advance Notice); meaningful time for public comment; convening public hearings and open meetings; and getting information to interested individuals and groups, through special mailings.

As in the case of major regulations, the Secretary will choose among policy alternatives only after careful analysis of agency and public views.

(c) Technical—When a regulation is classified as "technical," HEW procedures anticipate that it will be written within 90 days after initiation. On all technical rules, a Notice of Proposed Rulemaking is published in the FEDERAL REGISTER to ensure that the Department's initial view that no policy alternatives are available for consideration, is open to public comment and possible dissent.

C. REGULATORY ANALYSIS

The President's Executive Order requires each agency to establish criteria for analysis of the potential economic consequences of regulations with significant policy implications before they are issued. The Order also requires agencies to have effective methods for obtaining public comment on such economic consequences.

1. *Procedures.*—HEW must expand Operation Common Sense to comply with the Regulatory Analysis requirements of the President's Executive Order. Specifically:

(a) HEW procedures will be amended to require agencies proposing regulatory initiatives they believe to be "major" or "policy significant" to:

Assess the need for a Regulatory Analysis, using analytic criteria developed by the Assistant Secretary for Planning and Evaluation and approved by the Secretary. (Draft analytic criteria for Regulatory Analysis are presented for public comment in the next part of this section.);

Recommend as an explicit aspect of the agency's regulations proposal, whether or not the agency plans to conduct or not conduct an analysis;

Include criteria that served as the bases for the recommendation; and

Provide such supporting material or information demonstrating potential economic consequences that support or refute the need for a Regulatory Analysis.

(b) The Secretary (or the Commissioner of FDA) will finally decide whether a Regulatory Analysis will be conducted. Affirmative decisions, with supporting information, will be included in all Notices of Decision to Regulate for "policy significant" and "major" regulations.

(c) Regulatory Analyses will be developed by the agency writing the regulation, under the guidance of the Assistant Secretary for Planning and Evaluation.

(d) The outcome of Regulatory Analyses will be summarized in the Notice of Proposed Rulemaking. Regulatory Analyses will be available for public comment, and information on how to obtain analyses will be included also in the proposed rules.

(e) Based upon public comment, the Regulatory Analysis will be revised to accompany the Final Regulation.

2. *Criteria for Regulatory Analyses.*—The Assistant Secretary for Planning and Evaluation has developed the following draft criteria for defining "major economic consequences," and hence determining the need for conducting regulatory analyses:

(a) National Cost or Price—An analysis will be conducted if a regulation causes increase in total cost or price of goods or services to the national economy of $100 million in any one year.

(b) Sector Cost or Price—An analysis will be conducted if a regulation causes an increase in cost or price of goods or services of 10 percent in any one year in any industry or market, level of government, or geographic region; provided that the increase in cost or price of goods or services so affected exceeds $10 million annually.

(c) Other—The regulation has been selected by the Secretary for voluntary regulatory analysis because of the sensitivity, significance, and potential controversy of the subject.

3. *Content of Regulatory Analyses.*—Most Department Regulatory Analyses will contain:

(a) A succinct statement of the problem that necessitates Federal action;

(b) A description of the major alternative ways of dealing with the problem that is being considered by the agency. These alternatives will typically include:

(1) Alternative types of regulations such as procedural requirements versus "performance" or outcome requirements;

(2) Alternative levels of strictness in requirements, possibly tailored to type or size of service providers;

(3) Alternative timing for imposing requirements;

(4) Alternative methods of insuring compliance, including economic incentives and various enforcement procedures.

(c) An analysis of the economic consequences (direct as well as indirect) of each regulatory alternative. Whenever possible, economic consequences will be presented in comparative form to sharpen the issues and provide a clear basis for choice among alternatives. Economic consequences will typically include:

(1) Specific goals of each alternative including type and degree of economic, administrative, and reporting impact;

(2) Specific gains anticipated from each alternative;

(3) Overall economic impacts of each alternative, including effect on productivity, prices and employment.

(d) A detailed explanation of the reasons for choosing the preferred regulatory alternative over all others, with answers to such questions as:

(1) Will the selected alternative produce the intended results in the least burdensome manner possible? If not, why is this the preferred alternative?

(2) Why isn't the action more strict or less strict? What policy trade-offs does the selected alternative reflect?

D. REVIEW OF EXISTING REGULATIONS

The Executive Order requires that each agency develop procedures to review regulations already on the books and to apply the same criteria used in developing new regulations to determine whether existing regulations should be retained, revoked or modified.

As indicated above, HEW began a comprehensive review of existing Departmental regulations in September 1977. This initiative contemplates analysis, revision and elimination, wherever possible, of about 6,000 pages of Departmental rules in the Code of Federal Regulations.

The goals of reviewing and rewriting existing regulations under Operation Common Sense and the criteria for selecting regulations are:

1. To eliminate regulations that are unnecessary, outdated or ineffectual;

2. To rewrite regulations so that they are as straightforward, understandable and clear as possible;

3. To remove unproductive, burdensome requirements;

4. To revise regulations on the basis of experience since their issuance; and

5. To better organize and consolidate regulations.

To realize these goals, each major operating component of HEW has submitted a plan to review and revise all existing regulations. The plans contain:

1. An agenda and more detailed schedules for reviewing regulations, for identifying those in need of revision and assigning priorities for revision;

2. A selection of priority regulations to be revised. (This notice contains a list of regulations now being reviewed and revised by each agency.)

3. The person responsible within each agency for review and revision of existing regulations;

4. A schedule for completing interim steps in the rewriting process (for example, the Department intends to eliminate all regulations for defunct programs within one year);

5. Methods to involve the public in selecting regulations for review and revision and in the actual changing of regulations; and

6. The designation of one regulation to be a "test model" for the review and rewriting procedure.

In launching Operation Common Sense in September 1977, Secretary Califano invited the public to assist the Department in identifying existing regulation most in need of revision. Over 800 comments from the public have been received and are being followed up by the Department.

Once a decision is made that an existing regulation will be reviewed and rewritten, the responsible agency must follow Operation Common Sense procedures that apply to the development of new regulations that are outlined above and repeated here:

1. The agency must submit a regulation proposal to the Secretary describing the need for continuing to have a regulation and the goals of reviewing and rewriting the regulation (clarity, policy revision, burden reduction, consolidation, etc.).

2. The Secretary approves both the goals and schedule for review and revision of existing regulation.

3. The public is informed early of the Department's decision to review and revise existing regulations through publication in the FEDERAL REGISTER of a Notice of Decision to Regulate.

4. Through the Notice of Decision to Regulate, the public is invited to assist the Department and may contact the individual listed in the Notice to provide or receive information on the regulation undergoing review.

This Notice contains a list of existing regulations that are now being reviewed and revised by the Department.

Agency plans for the review and revision of all other regulations are available to the public on request.

After six months, the Department's review and revision of existing regulations has achieved:

1. The removal of more than 300 obsolete pages from the Code of Federal Regulations, an initial 5 percent reduction in existing rules;

2. The publication of six "model regulations" of brevity and clarity:

(a) General rules on what evidence is needed to prove a person is eligible for old-age, disability, dependents' or survivors' benefits under the Social Security Act (42 FR 64910, December 29, 1977);

(b) Sterilization regulations (42 FR 62718, December 13, 1977);

(c) Runaway Youth Grant Program regulations (42 FR 7600, February 23, 1978);

(d) Rules specifying the use of Vocational Factors (age, education, and work experience) to determine eligibility for Social Security and Supplemental Security Income Disability Payments (42 FR 9284, March 7, 1978);

(e) Rules regarding State residence requirements under the Medicaid program (scheduled for FEDERAL REGISTER publication at the end of May 1978);

(f) Regulations for the Basic Educational Opportunity Grant Program (43 FR 20922, May 15, 1978).

II. REGULATION PROCEDURES OF THE FOOD AND DRUG ADMINISTRATION

A. POLICY

The Food and Drug Administration has developed a regulation development process with the following elements:

1. Use of clear English.

2. Consistency with current agency policy and complete and accurate presentation of that policy.

3. Evaluation of all reasonable alternative approaches.

4. Assessment of the compliance burdens being imposed by a regulation.

5. Concurrent development of closely related regulations.

6. Coordination between the FDA and other Federal agencies particularly in the Interagency Regulatory Liaison Group (the Environmental Protection Agency, the Occupational Safety and Health Administration, and the Consumer Product Safety Commission, in addition to FDA) with respect to development of policy significant regulations.

7. Full opportunity for public participation.

8. Responsiveness to public comments.

9. Development of an adequate evaluation plan for the regulation.

B. PROCEDURES

1. The Food and Drug Administration prepares an annual regulations plan which provides for each regulatory initiative, an estimate of the agency resources required and identifies the persons and organizational units responsible for developing the regulation.

2. Except where the Commissioner establishes priorities for particular regulations, each of the agency's six bureaus sets its own priorities.

3. For every regulation identified in the annual plan as "significant," (criteria for classifying regulations as significant are described in the next section), the responsible bureau prepares for the Commissioner's review a Strategy Document which contains:

(a) A statement of the problems to which the proposed regulation is to be responsive;

(b) A summary of possible courses of action or policy alternatives;

(c) An assessment of foreseeable economic and societal impacts;

(d) A plan for public participation in the rulemaking process;

(e) The need for, and strategy to accomplish coordination within FDA, and with local, State and other Federal agencies;

(f) The schedule for developing regulations;

(g) The name, address and phone number of the person responsible for regulation development.

4. No agency resources may be expended on drafting significant regulations until the Commissioner has approved the Strategy Document authorizing the regulation.

5. Depending upon the technical knowledge available to determine policies, the agency will either:

(a) Move directly to the development and publication in the FEDERAL REGISTER of a proposed regulation for public comment; or

(b) Publish an Advance Notice of Proposed Rulemaking seeking extended citizen assistance in developing a proposed rule.

6. A minimum of 60 days for public comment are provided for all significant regulations.

C. CRITERIA FOR DETERMINING SIGNIFICANT REGULATIONS

The Food and Drug Administration classifies a regulation as significant if it:

1. Has public health implications, or has nonroutine safety efficiency considerations;

2. Has significant environment impact;

3. Represents a new and important initiative;

4. Responses to statutory commitments;

5. Has significant potential economic impact (as defined by the Executive Order and Departmental Regulatory Analysis criteria);

6. Is required to clarify misinterpretations of existing regulations;

7. Is controversial and likely to attract considerable public interest and reaction; and

8. Has significant promise of affecting the work requirements of FDA, local, State or other Federal agencies.

D. REGULATORY ANALYSES

The Food and Drug Administration uses the Department-wide criteria for selecting regulations requiring preparation of a Regulatory Analysis, and the procedures for conducting the Analysis. (Described in Section I, Part C).

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT

[For FDA, all regulations classified as "significant;" for other agencies all regulation initiatives]

Title of regulation	Stage of development	Contact person	Citation	Summary
OFFICE OF THE SECRETARY				
Conditions for Federal Financial Participation in the Cost of Automated Data Processing.	Final	Lee Wouter, Office of Management and Budget, Room 516D, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201, 202-245-6204.	Secs. 3, 403, 423, 455, 1003, 1403, 1603, 1903, and 2002 of the Social Security Act.	The regulation would prescribe the conditions under which HEW would approve Federal funding for the cost of automated data processing incurred under an approved State plan for titles I, IV-A, IV-B, IV-C, IV-D, X, XIV, XVI, XIX, or XX of the Social Security Act.
Departmentwide Requirements for the Administration of Grants.	do	Matthias Lasker, Office of Management and Budget, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201, 202-245-8901.	5 U.S.C. 301	The regulation would establish standard HEW policy for the administration of grants in such areas as application forms, financial management, and reporting by grantees, monitoring of grantee performance, property management, determining allowable costs, satisfying cost-sharing or matching requirements, use of grant-related income, and waiver of the single State agency requirements.
Public Information Regulations.	NPRM	Russell M. Roberts, Freedom of Information Officer, Office of Public Affairs, Room 118F, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201, 202-472-7453.	Freedom of Information Act (Pub. L. 93-502).	This regulation would propose department policy for administering the Freedom of Information Act.
General Governmentwide Age Discrimination Regulations.	NPRM	Juliette N. Lester, Director, Age Discriminiation Regulation Task Force, Room 716E, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201, 202-245-7543.	Age Discrimination Act of 1975 (Pub. L. 94-135).	These regulations would prohibit unreasonable descrimination on the basis of age in programs or activities receiving Federal financial assistance, including programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972. The age Discrimination Act of 1975 emphasizes age-based discrimination and therefore applies to all groups.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
		PUBLIC HEALTH SERVICE		
Protection of the Identity of Research Subjects.	Final	Ms. Judith Galloway, Legal Assistant, Room 13C-06, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3200.	Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1974 (sec. 303(a) of the Public Health Service Act).	Sets forth procedures under which researchers engaged in research on mental health, alcohol, and other phychoactive drugs, may apply for an authorization of confidentiality to protect the identity of their research subjects from courts and others.
Grants for Drug Abuse Prevention, Treatment, and Rehabilitation.	do	Ms. Nancy Soulen, Legal Assistant, Room 10-14, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1644.	Drug Abuse Office and Treatment Act Amendments of 1976; the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1976; and the Health Services Extension Act of 1977 (sec. 409 of the Drug Abuse Office and Treatment Act).	Sets forth the requirements for receipt by the States of formula grant funds for implementing, coordinating, and evaluating drug abuse prevention functions, including guidance on approvable State plans.
Grants to States for Implementation of the Uniform Alcoholism and Intoxication Treatment Act.	do	Ms. Susan Farrell, Legislative Assistant, Room 16C-10, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3887.	Sec. 302, 303, and 311 of the Comprehensive Alcohol Abuse and Alcholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended in 1974 and 1976.	Sets forth requirement for formula grants to States to provide general support for alcoholism programs; and for project grants, mostly for demonstration to States and other entities to support specific programs for treating alcoholism.
Importation of Lather Brushes.	NPRM	Mr. Joseph F. Giordano, Director, Quarantine Division, Bureau of Epidemiology, Center for Disease Control, Atlanta, Ga. 30333, 404-633-3311 ext. 3674.	Sec. 361 of the Public Health Service Act.	Proposes revised requirements for testing commercial shipments of lather bruses imported to the United States for disease control purposes.
Importation of Psittacine Birds.	NPRM	do	do	Proposes revised rules governing the importation of psittacine birds (parrots, parakeets, etc.) for disease control purposes.
Grants for Lead-Based Paint Poisoning.	NPRM	Ms. Sara Owens, Regulations Officer, Center for Disease Control, Atlanta, Ga. 30333, 404-633-3311 ext. 3674.	The Disease Control Act Amendments of 1976, Pub. L. 94-317 (sec. 204(a) of the Lead-Based Paint Poisoning Prevention Act).	Proposes revised requirements for grants to support programs in prevention of lead-based paint poisoning in children.
Specifications for Medical Examinations of Underground coal Miners—Transfer Criteria.	NPRM	Mr. Harlan Amandus, Chief, Examination Processing Branch, National Institute for Occupational Safety and Health, Center for Disease Control, 944 Chestnut Ridge Rd., Morgantown, W. Va. 26505, 304-599-7301.	Sec. 203 of the Federal Coal Mine Health and Safety Act, as amended by the Federal Mine Safety and Health Act of 1977.	Proposes revising the medical conditions under which coal miners will be allowed to transfer to less dusty areas of coal mines.
Respirator Testing and Approval Program.	Final	Mr. Robert Schutz, Chief, National Institute for Occupational Safety and Health, Center for Disease Control, 944 Chestnut Ridge Rd., Morgantown, W. Va. 26505, 304-599-7331.	Secs. 202 and 204 of the Federal Coal Mine Health and Safety Act, as amended by the Federal Mine and Safety Act of 1977.	Extends the period during which use of certain self-contained breathing apparatus approved under the former Bureau of Mine approval program is allowed.
Specifications for Medical Examinations of Undergrounds Coal Miners.	do	Mr. Harlan Amandus, Chief, National Institute for Occupational Safety and Health, Center for Disease Control, 944 Chestnut Ridge Rd., Morgantown, W. Va. 26505, 304-599-7301.	Sec. 203 of the Federal Coal Mine Health and Safety Act, as amended by the Federal Mine Safety and Health Act of 1977..	Revises the specifications for chest X-rays of underground coal miners.
Requirements for Provision of Services.	NPRM	Dr. Colin C. Rorrie, Acting Director, Bureau of Health Planning and Resources Development, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6850.	Secs. 1602(6), 1604(b)(1)(J) and 1612(c) of the Public Health Service Act as amended by the National Health Planning and Resource Development Act of 1974.	Proposes revised requirements of facilities assisted under titles VI and XVI of the Public Health Service Act to provide services to all members of the community and to provide a reasonable amount of service free or at a discount to those unable to pay.
State Medical Facilities Plan.	NPRM	do	Sec. 1603 of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974.	Proposes the numbers and types of inpatient and outpatient medical facilities and beds needed to provide adequate public health services to residents by State.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
PUBLIC HEALTH SERVICE—Continued				
Allotments of Funds for Formula Grants to States.	NPRM	do	Sec. 1610-12 of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974.	Proposes revised procedures for making formula grants to States for health planning and resources development.
Governing Body Requirements of Health Systems Agency.	NPRM	do	Sec. 1512(b)(3)(c) of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974.	Proposes revised rules governing the composition of governing bodies, executive committees, and other advisory groups of Health Systems Agencies and the method of selecting members of these groups.
Standards of Construction and Equipment for Hospital and Medical Facilities.	Final	do	Sec. 1602(2) of the Public Health Service Act as amended by the National Health Planning and Resources Development Act of 1974.	Establishes general standards for hospital construction assisted under title XVI of the Public Health Service Act.
National Guidelines for Health Planning—Second Set.	NPRM	Mr. Daniel I. Zwick, Health Resources Administration, Room 10-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-7270.	Sec. 1501 of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974.	Proposes goals regarding health status, health promotion, disease prevention, and quality of and access to care.
Amendments to Limitation on Federal Participation for Capital Expenditures.	Final	Dr. Colin C. Rorrie, Acting Director, Bureau of Health Planning and Resources Development, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6850.	Sec. 1122 of the Social Security Act.	Establishes a procedure for withholding Federal reimbursement under titles V, XVIII, and XIX of the Social Security Act where capital expenditures have been found inconsistent with State health plans and other planning guidelines and requirements.
Grants for Residency Training, in General Internal Medicine and General Pediatrics.	Final	Dr. Daniel N. Masica, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6424.	Sec. 784 of the Public Health Service Act as amended by the Health Professions Eductional Assistance Act of 1976.	Provides requirements for grants to schools placing emphasis on training of residents and giving financial assistance to them to plan, develop, and operate training programs and provide stipends to residents for the purpose of emphasizing primary care practice.
Programs for the Training of Expended Function Dental Auxiliaries.	NPRM	Dr. Richard Weaver, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6510.	Sec. 783 of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to schools to assist them to plan, develop, and operate or maintain training programs for dental assistants and hygienists.
Expanded Function Dental Auxiliaries.	Final	do	Sec. 701(8) of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to schools to assist them to plan, develop, and operate or maintain training programs to promote the use of dental assistants and hygienists.
Grants for Traineeships for Advanced Training of Professional Nurses.	NPRM	Ms. Edith Rathbun, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6684.	Sec. 830 of the Public Health Service Act as amended by the Nurse Training Act of 1975.	Provides requirements for grants to public and nonprofit entities to support the training of registered nurses for teaching, administration, and clinical specialties and as nurse practitioners
Dental Team Training Program.	NPRM	Dr. Richard Weaver, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6510.	Sec. 783(a)(3) of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to support programs to train dental students in organization and management techniques.
National Health Service Corps Scholarships.	NPRM	Mr. Gary Wold, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6450.	Sec. 751 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976.	Provides for scholarships to train physicians, dentists and nurses for the National Health Service Corps.
Traineeships for Advanced Training of Allied Health Personnel.	NPRM	Dr. Merill De Long, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6824.	Sec. 797 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to support training of allied health personnel for teaching, administrative, or supervisory positions.
Traineeships for Students in Schools of Public Health.	NPRM	Dr. Daniel Whiteside, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6310.	Sec. 748 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to schools to train students in certain public health programs.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
PUBLIC HEALTH SERVICE—Continued				
Health Professions Student Loans.	NPRM	do	Secs. 740 through 744 of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for loans to public and nonprofit health professions schools for loans to needy students.
Special Projects for Schools of Public Health Administration.	Final with comment period.	Dr. Merrill B. De Long, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6824.	Sec. 792 of the Public Health Service Act, as amended by the health Professions Educational Assistance Act of 1976.	Provides requirements for grants to assist schools of public health in meeting costs to develop new or expanded programs in biostatistics, epidemiology, health administration planning, policy analysis, environmental or occupational health or dietetics and nutrition.
Grants for Graduate Programs in Health Administration.	do	do	Sec. 791 of the Public Health Service Act, as amended by the Health Professions Educational Act of 1976.	Provides requirements for grants to public and nonprivate educational entities to support graduate programs in health administration, hospital administration, and health planning.
Family Medicine	do	Dr. Daniel Masica, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6424.	Sec. 786(a) of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to hospitals and schools of medicine or osteopathy to assist in continuing education programs in family medicine.
Scholarships for First-Year Students of Exceptional Financial Need.	NPRM	Mr. John Beline, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6310.	Sec. 758 of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to health professional schools to offer scholarships to first year students in need of support.
Educational Assistance to Individuals from Disadvantaged Backgrounds.	NPRM	Dr. Knizo Yamamoto, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-7230.	Health Professions Educational Assistance Act of 1976, Pub. L. 94-484 (secs. 787 and 798 of the Public Health Service Act).	Provides requirements for grants to professional and allied health schools to assist them in meeting costs of identifying, recruiting, selecting, and counseling disadvantaged students.
Traineeships for Students in Graduate Programs in Health Administration.	NPRM	Dr. Merrill B. De Long, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6824.	Pub. L. 94-484, Health Professions Educational Assistance Act of 1976, of the Public Health Service Act.	Provides requirements for grants to schools for traineeships for students enrolled in health administration, hospital administration, or health policy analysis and planning.
Area Health Education Centers.	NPRM	Dr. Daniel N. Masica, 3700 East-West Highway, Hyattsville, Md, 20782, 301-436-6424.	Pub. L. 94-484 Health Professions Educational Assistance Act of 1976, Sec. 781 of the Public Health Service Act.	Provides requirements for contracts for improving the distribution, supply, quality, utilization, and efficiency of health personnel in health services delivery systems.
Financial Distress	NPRM	Mr. John Westcott, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6564.	Sec. 788(b) of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grant assistance to schools of medicine, osteopathy, dentistry, veterinary, optometry, pharmacy, podiatry, or public health which are in serious financial distress.
Nurse Capitation Grants	Final	Ms. Edith Rathbun, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6684.	Sec. 810 of the Public Health Service Act as amended by the Nurse Training Act of 1975.	Provides requirements for formula grants to schools of nursing for general support of educational programs.
Allied Health Special Project Grants and Contracts.	NPRM	Dr. Merrill B. De Long, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6824.	Pub. L. 94-484 title VII Health Professions Educational Assistance Act of 1976, sec. 810 of the Public Health Service Act.	Provides requirements for grants to schools, States, and other entities to assist in meeting costs of planning, developing, demonstrating, operating, and evaluating projects to train allied health personnel and nurses.
Health Professions Capitation Grants.	NPRM	Mr. John Westcott, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6564.	Pub. L. 94-484 title VII Health Professions Educational Assistance Act of 1976, sec. 770 of the Public Health Service Act.	Sets forth requirements for grants to provide general support for education programs in schools of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, and podiatry.
Assignment of National Health Service.	NPRM	Dr. Fitzhugh S. M. Mullan, room 6-05, 5600 Fishers Lane, Rockville, Md. 20857, 301-433-4434.	Sec. 333 of the Public Health Service Act.	Prescribes requirements for assignment of National Health Service Corps personnel to public or nonprofit entities to provide health services in, or to, a health manpower shortage area.
Grants for Genetic Diseases	NPRM	Dr. Audrey Manley, Room 6-40, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1080.	Sec. 1101 of the Public Health Service Act.	Sets forth requirements for grants to public and nonprofit private entities for genetic diseases testing and counseling programs for a broad spectrum of genetic diseases.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
PUBLIC HEALTH SERVICE—Continued				
Definition of Indian for Indian Preference.	Final	Dr. Emory Johnson, Room 5A-55, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1083.	Sec. 12 of the Wheeler Howard Act of 1934, Pub. L. 73-383.	Defines the term Indian for purposes of Indian preference in employment in the Indian Health Service, as defined by the Department of the Interior.
Contract Health Services for Federally Recongized Indians.	Final	Mr. James Mitchell, Room 5A-27, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4700.	The Snyder Act of 1921	Establishes standards for determining the eligibility of Indians for receiving PHS financed medical services from facilities which have contracted with the PHS when such services are not resonably accessible at a PHS Indian health service facility.
Grants for Health and Nutrition Demonstration Projects.	NPRM	Mr. William Beacham, Room 1A-55, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5033.	Sec. 516 of the Public Works and Economic Development Act, as amended in 1975.	Provides requirements for grants to public and nonprofit private entities from Commerce Department funds allocated to eight independent, quasi-Federal Regional Action Planning Commissions. The purpose of the grants is to demonstrate the economic benefits of improved public health through funding of health planning facilities and services.
Standards of Conduct: National Institutes of Health Supplement.	Final	Mr. Edward Nicholas, Jr., National Institues of Health, 900 Rockville Pike, Bethesda, Md. 20014, 301-496-3592.	45 CFR 73.735-105	Supplements present departmental regulations on standards of conduct, to provide guidance to NIH employees and approving officials on outside work and other activities.
Protection of Human Subjects: Research Involving Children.	NPRM	Dr. D. T. Chalkley, National Institues of Health, 900 Rockville Pike, Bethesda, Md. 20014, 301-496-7005.	Pub. L. 93-348, The National Research Service Award Act of 1972, sec. 301 of the Public Health Service Act.	Defines the circumstances under which research can be conducted or supported, describe procedures for the review and approval of the research, and identify the requirements for assent of child subjects and parental permission in research.
Protection of Human Subjects: Research Involving Those Institution-alized as Mentally Infirm.	NPRM	do	Pub. L. 93-348, The National Research Service Award Act of 1972, sec. 301 of the Public Health Service Act.	Defines the circumstances under which research involving the mentally ill, mentally retarded, and other mental infirm confined to institutions can be conducted or supported, describe procedures for the review and approval of the research, and identify the requirements for informed consent to participate in research by and for such subjects.
Protection of Human Subjects: Compensation of Human Subjects Injured in DHEW Supported Biomedical and Behavioral Research.	NPRM	do	Sec. 301 of the Public Health Service Act.	Requires institutions applying for DHEW grants or contracts in support of research involving human subjects to provide assurances that they will provide certain compensation for individuals who suffer injury as the result of their participation as subjects in biomedical or behavioral research.
Grants for Health Services Research Projects.	Final	Dr. Donald Goldstone, Room 8-30, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-7425.	Secs. 305 and 308 of the Public Health Service Act.	Provides requirements for grants to public or nonprofit private entities to undertake and support health services research, evaluation, and demonstration projects.
Requirements for a Health Maintenance Organization.	NPRM	Mr. Howard Veit, Room 12-05, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4106.	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1301 of the Public Health Service Act.	Defines health benefits to be provided; providers of health services; methods of payment; organization and operation of HMOs; and special requirements with respect to medicare and medicaid members.
Federal Financial Assistance.	NPRM	do	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1303-5 of the Public Health Service Act.	Sets forth requirements for the award of grants, loans and loan guarantees to public or nonprofit private entities for feasibility surveys, planning and initial development costs, and initial operating costs of health maintenance organizations.
Grants for Feasibility Surveys.	NPRM	do	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1303, of the Public Health Service Act.	Sets forth requirements for conducting surveys to determine the feasibility of developing and operating or expanding the operation of HMOs.
Grants for Loan Guarantees for Planning and for Initial Development Costs.	NPRM	do	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1304 of the Public Health Service Act.	Sets forth requirements for planning and initial development projects or for significant expansion of the membership of, or areas served by qualified HMOs.
Loan and Loan Guarantees for Initial Operating Costs.	NPRM	do	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1305 of the Public Health Service Act.	Sets forth requirements for the award of loans and loan guarantees for initial operating costs of health maintenance organizations.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
PUBLIC HEALTH SERVICE—Continued				
Employees' Health Benefits Plans.	Final with a comment period.	.....do	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1310(a-c) of the Public Health Service Act.	Sets forth requirements for certain employers and States and political subdivisions of States to include in any health benefits plan offered to their employees the option of membership in qualified health maintenance organizations.
Continued Regulation of Health Maintenance Organizations and Other Facilities.	NPRM	.....do	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1312 of the Public Health Service Act.	This regulation sets forth continuing compliance requirements for qualified health maintenance organizations.
Reconsideration and Hearings.	NPRM	.....do	.....do	Sets forth an appeals process for entities that have been denied an application for qualification and for entities which have failed to comply with the act, regulations, or any assurances which the entity had given the Secretary.
HEALTH CARE FINANCING ADMINISTRATION (HCFA)				
State Residency Requirements for Medicaid.	NPRM	Elizabeth Barnes, Medicaid Bureau, HCFA, Room 2625, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0596.	Sec. 1102 of the Social Security Act.	This regulation proposes new criteria for determining State residency of applicants for medicaid benefits.
Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Penalty.	Final	Senora Simpson, Medicaid Bureau, HCFA, Room 4621, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0111.	Sec. 403(g) of the Social Security Act.	This regulation would specify standards States would be required to meet to insure that EPSDT services would be provided to medicaid eligible individuals under 21. A 1 pct penalty reduction in Federal funding for the aid to families with dependent children program would be required if States do not meet these standards.
General Contract Requirements for Medicaid.	NPRM	Pat McCarthy, Medicaid Bureau, HCFA, Room 4314, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0786.	Secs. 1102 and 1902(a)(4) of the Social Security Act.	This regulation proposes requirements to strengthen protections against questionable contract practices and possible program abuse, and to remedy ambiguities and omissions in existing regulations.
Hearing Aid and Eyeglass Reimbursement.	NOI	Larry Rima, Medicaid Bureau, HCFA, Room 2611, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-9264.	Sec. 1102 of the Social Security Act.	This notice requests suggestions to find practical ways to lower the cost and improve the quality of eyeglasses and hearing aids provided to medicaid recipients.
Medicaid Health Maintenance Organization (HMO) Contracts.	Final	Dick Davison, Medicaid Bureau, HCFA, Room 4320, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-472-3836.	Secs. 1102, 1871, and 1876 of the Social Security Act.	Comments received in response to final regulations published Feb. 10, 1978, are being evaluated to determine whether revised final rules are required. This regulation revises qualification and related grievance requirements which organizations must meet to participate in medicaid as an HMO.
Medicaid Utilization Control.	NPRM	Phil Otto, Medicaid Bureau, HCFA, Room 3525, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-6557.	Secs. 1102 and 1903(g) of the Social Security Act.	This regulation proposes requirements for control over the utilization of inpatient institutional services in the medicaid program. The regulations would specify requirements States must meet to avoid reduced Federal matching; the content of quarterly reports; and the methods for making reductions in Federal matching.
Timely Claims Processing	NPRM	Milton Dezube, Medicaid Bureau, HCFA, Room 2628, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-8990.	Sec. 1102 of the Social Security Act.	This regulation proposes to add new medicaid State plan requirements for timely processing of certain health care provider's claims for payment (90 pct within 30 days of receipt, 99 pct within 90 days). The new requirements are intended to improve State program management, increase provider participation in medicaid, and aid in preventing and detecting fraud.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Assignment of Benefits; Collection of Medical Support Payments.	NPRM	Art Muller, Medicaid Bureau, HCFA, Room 2605, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0384.	do	These regulations would propose new procedures: (1) allowing States to require medicaid recipients to assign their right to private insurance payments or other medical support to the States; (2) authorizing child support enforcement agencies to assist in collection of medical support; and (3) prohibiting Federal payment to any medicaid recipient who is covered by a private health insurance policy having a medicaid exclusion clause.
Medicaid Quality Control Fiscal Disallowances.	NPRM	Victor Kugajevsky, Medicaid Bureau, HCFA, Room 3094, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-3846.	do	This regulation would propose a reduction in Federal financial participation for erroneous medicaid expenditures to insure proper use of Federal and State medicaid funds.
Medicaid Quality Control Systems; Expansion of Information Requirements.	Final	Victor Kugajevsky, Medicaid Bureau, HCFA, Room 3094, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-472-3846.	Secs. 1102 and 1902(a)(4) of the Social Security Act.	Comments received in response to final regulations published Mar. 31, 1978, are being evaluated to determine whether revised final rules are required. These regulations expand the medicaid quality control system for eligibility review to include the extent to which payments for medicaid services: (a) took account of available medical insurance, and (b) were based on complete and accurate claims.
Rural Health Clinics—Medicaid.	do	Joseph Dougherty, Medicaid Bureau, HCFA, Room 2622, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-6886.	Secs. 1102, 1822, and 1902(a)(13) of the Social Security Act.	This regulation would govern the coverage and reimbursement of rural health clinic services under State medicaid programs.
Public Notice of Changes in the Method or Level of Reimbursement for Health Care Services.	do	Milton Dezube, Medicaid Bureau, HCFA, Room 2628, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-8990.	Secs. 1102, 1903(a)(4), and 1902(a)(30) of the Social Security Act.	This regulation would require State medicaid agencies to give 60 days public notice of any proposed change in the method or level of reimbursement for services produced under the medicaid program before such changes can become effective. The intent is to allow the Federal Government in cooperation with the States and the public to evaluate the justification for the changes.
Intermediate Care Facilities/Skilled Nursing Facilities Reimbursement Revisions.	NPRM	Milton Dezube, Medicaid Bureau, HCFA, Room 2631, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-8990.	Sec. 1102 of the Social Security Act.	This regulation proposes to clarify and expand requirements for State methods of payment for skilled nursing and intermediate care facility services under State medicaid programs.
Redesignation of Medicaid Administrative Requirements.	Final with comment period.	Peg Schnoor, Medicaid Bureau, HCFA, Room G115, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-472-5290.	do	Certain administrative requirements for the medicaid programs is being rewritten to make them more clear and renumbered to move them to the part of the Code of Federal Regulations which contains the other medicaid regulations.
State Medicaid Fraud Control Units.	Final	Irwin Cohen, Office of Program Integrity, HCFA, Room 588, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-5415.	Secs. 1102 and 1903 of the Social Security Act.	This regulation governs qualifications, certification, and funding of State medicaid fraud control units.
Suspension of Physicians and Other Practitioners.	NPRM	do	Secs. 1102, 1862, 1866, 1871, and 1902 of the Social Security Act.	This regulation proposes criteria and procedures for suspending physicians or other practitioners from medicare or medicaid after they have been convicted of a crime related to either program.
Uniform Reporting Requirements.	NPRM	James M. Kaple, Office of Policy, Planning, and Research, HCFA, Room 5074, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0697.	Secs. 1121, 1861, and 1902 of the Social Security Act.	These regulations propose uniform systems that medical institutions which receive payments under the medicare and medicaid programs must utilize for reporting such items as cost of operation, volume of services, reimbursement rates, capital assets, and discharge and bill data.
Disclosure of Information and Access to Provider Records (Companion of HDS and PHS regulations).	NPRM	Irwin Cohen, Office of Program Integrity, HCFA, Room 588, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-5415.	Secs. 1124, 1126, 1861, 1866, 1902, 1903, and 2002 of the Social Security Act.	This regulation would propose criteria and procedures for disclosure by providers of certain information about owners, employees, subcontractors, and supplies. The regulations would also propose criteria for HEW access to medicaid provider records.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Safeguards for Patient Funds.	NPRM	Benjamin Latt, Health Standards and Quality Bureau, HCFA, Room 12A-46, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2420.	Sec. 1121(m)(1) of the Social Security Act.	This regulation proposes expanded standards for protection of personal funds of medicare and medicaid patients in skilled nursing facilities and intermediate care facilities.
Termination of Federal Financial Participation in Long-Term Care Facilities.	Final	James Conrad, Health Standards and Quality Bureau, HCFA, Room 305, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9743.	Secs. 1102 and 1903 of the Social Security Act.	This regulation would clarify the circumstances under which Federal funding will no longer be available to skilled nursing facilities or intermediate care facilities under the medicaid program. It would also cover reconsiderations and administrative hearing provisions in State medicaid plans for those providers whose certification has been terminated.
Conditions of Participation in the Medicare Program for Hospitals.	NPRM	Michael Spodnik, Health Standards and Quality Bureau, HCFA, Room 9A-45, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1450.	Sec. 1861(e)(9) of the Social Security Act.	This regulation would propose revised conditions for participation in medicare for hospitals. It would simplify the language, and update the requirements to reflect changes in legislation and advances in technology.
Utilization Review	NPRM	Jane Tebbutt, Health Standards and Quality Bureau, HCFA, Room 16A-27, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4985.	Sec. 1903(g)(1)(c) of the Social Security Act.	The regulation would propose revised requirements and procedures for utilization review in health care institutions participating in medicare and medicaid programs. These regulations would provide for review of the medical necessity of admissions and continued stays, the appropriateness and quality of patient care, and the effectiveness of utilization of facility and health professional services.
Standards for Clinical Laboratory Personnel.	NPRM	Mike Goldman, Health Standards and Quality Bureau, HCFA, Room 322, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7932.	Sec. 1861(a)(10) of the Social Security Act.	These regulations would propose uniform standards for personnel employed by hospital and independent laboratories which receive Federal funds. the intent is to increase the quality of services rendered by qualified and certified personnel in clinical laboratories.
Separate Cost Entities and distinct Parts.	NPRM	James Conrad, Health Standards and Quality Bureau, HCFA, Room 305, East High rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7942.	Sec. 1861 (e), (f), (g), and (j) of the Social Security Act.	This regulation would propose conditions under which a component which provides typically unskilled care within a hospital may be certified as a provider distinct from the hospital.
Extension for Proficiency Exams for Clinical Laboratory Personnel.	NPRM	Martha Chestem, Health Standards and Quality Bureau, HCFA, Room 324, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7930.	Secs. 1861(s)(11) and 1871 of the Social Security Act.	This regulation proposes to reopen proficiency examinations for clincial laboratory personnel (technologist, cytotechnologist, and technician) by eliminating a restriction which prohibited examinations from being given after Dec. 31, 1977.
Professional Standards Review Organizations (PSRO's) Sanctions on Providers and Practitioners.	NPRM	Tony Tirone, Health Standards and Quality Bureau, HCFA, Room 16A-39, Parklawn Bldg., 5600 Fishers Lane, rockville, Md. 20857, 301-443-3708.	Sec. 1160 of the Social Security Act.	This regulation would propose criteria for invoking sanctions against a health care practitioner or provider who claims payment for services which are medically unnecessary or inappropriate, do not meet professionally recognized standards, or are not adequately documented as to medical necessity or quality.
Statewide Professional Standards Review Organizations (PSRO's).	Final	Stephen Crane, Office of General Counsel, Room 12-20, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20357, 301-443-2520.	Secs. 1102 and 1152 of the Social Security Act.	This regulation would authorize the Secretary to designate statewide PSRO areas in those States where no PSRO areas have been designated, if the physicians in the State favor a statewide area. The intent is to enable the PSRO program to become operational in States where it has been delayed.
Designation of Statewide Professional Standards Review Organization (PSRO) in Texas.	NPRM	Steven Suard, Health Standards and Quality Bureau, HCFA, Room 13A-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6477.	Sec. 1152(a) of the Social Security Act.	This regulation would propose designation of Texas as a statewide PSRO area.
Funding of Hospital Review by Professional Standards Review Organizations (PSRO's).	NPRM	Edward Goodman, Health Standards and Quality Bureau, HCFA, Room 13A-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1794.	Sec. 1861(a) of the Social Security Act.	This regulation would propose procedures for reimbursing the cost of hospital reviews by PSRO's.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Professional Standards Review Organization (PSRO) Review of Intermediate Care Facilities.	NPRM	David Ward, Health Standards and Quality Bureau, HCFA, Room 16A-27, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.	Sec. 1155(a) of the Social Security Act.	These regulations would propose conditions under which PSRO's would assume responsibility from State medicaid agencies for reviewing the quality and necessity of health care services provided in intermediate care facilities and intermediate care facilities for the mentally retarded.
Waiver of Liability	NPRM	Larry Sobel, Health Standards and Quality Bureau, HCFA, Room 16A-44, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2808.	Sec. 1158 of the Social Security Act.	This regulation would propose criteria for determining when a patient or provider would not be held liable for knowing that the services were medically unnecessary or otherwise inappropriate before the services have been disapproved by PSRO's for medicare and medicaid payment.
Procedures for Hospital Review by Professional Standards Review Organization (PSRO).	Final	Geraldine Ellis, Health Standards and Quality Bureau, HCFA, Room 16A-27, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4654.	Secs. 1155 and 1156 of the Social Security Act.	These rules would establish procedures for: (1) PSRO review of hospital services for which payment may be made under the Social Security Act; (2) PSRO delegation of review functions to hospitals; and (3) development and use of norms, criteria, and standards for hospital review.
Clarification of Professional Standards Review Organizations Designation for Los Angeles, Calif.	do	Steve Suard, Health Standards and Quality Bureau, HCFA, Room 13A-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6477.	Sec. 1102 of the Social Security Act.	This regulation would clarify the existing boundaries for professional standards review organizations in Los Angeles, Calif.
Designation of Alternate Professional Standards Review Organizations (PSRO's).	do	Hal Belodoff, Health Standards and Quality Bureau, HCFA, Room 16A-44, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4086.	Sec. 1152(b)(1)(B) of the Social Security Act.	This regulation would set forth criteria and other selection factors for the designation of alternate PSRO's in areas where no physician organization is available for designation as a priority PSRO under sec. 1152(b)(1)(A) of the Social Security Act.
Grants to Professional Standards Review Organizations (PSRO's).	do	do	Secs. 1152, 1154, 1155(f)(2), and (3) of the Social Security Act.	This regulation establishes eligibility criteria and other conditions for grants to PSRO's.
Confidentiality and Disclosure of Information of Professional Standards Review Organizations (PSRO's).	NPRM	Lois Eberhard, Health Standards and Quality Bureau, HCFA, Room 16A-44, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2808.	Sec. 1166(a) of the Social Security Act.	These regulations would propose criteria to govern the acquisition, protection, and disclosure of information obtained or generated by PSRO's.
Professional Standards Review Organizations (PSRO's) Reconsiderations and Appeals.	NPRM	Larry Sobel, Health Standards and Quality Bureau, HCFA, Room 16A-44, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2808.	Sec. 1159(a) of the Social Security Act.	This regulation would propose procedures for the reconsideration of the determinations of PSRO's and the review of such reconsiderations by statewide professional standards review councils.
Conditions of Coverage for Renal Transplants.	Final with comment period.	Janet Harryman, Health Standards and Quality Bureau, HCFA, Room 301, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9712.	Secs. 226(g) and 1102 of the Social Security Act.	This regulation would exempt pediatric hospitals from certain renal transplant center certification requirements.
Fire Resistant Floor Covering Standards.	NPRM	Bernard Parr, Health Standards and Quality Bureau, HCFA, Room 320, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9739.	Sec. 1861(3)(a) of the Social Security Act.	This regulation would propose standards for fire resistant floor coverings for long-term care facilities.
Life Safety Code	NOI	Mayer Zimmerman, Health Standards and Quality Bureau, HCFA, Room 300, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9727.	Sec. 1861(j)(13) of the Social Security Act.	This notice would invite suggestions on approaches for implementing by regulation the life safety code for hospitals, skilled nursing facilities, and intermediate care facilities.
Histocompatibility Testing	NPRM	Charlotte Conaway, Health Standards and Quality Bureau, HCFA, Room 324, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7761.	Sec. 1861(a)(10) of the Social Security Act.	These regulations would propose clarification of definitions and techniques for histocompatibility testing carried out under the medicare program for individuals with end-stage renal disease to determine if a donor kidney will be compatible with recipient.
Revocation of Electrical Requirements.	NPRM	Robert Moore, Health Standards and Quality Bureau, HCFA, Room 301, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9731.	Sec. 226(g) of the Social Security Act.	This regulation proposes to revoke requirements for emergency generators and ground fault interrupters in freestanding end-stage renal disease centers because they have proved unnecessary.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Certification of Rural Health Clinics.	Final	Lorraine Kyttle, Health Standards and Quality Bureau, HCFA, Room 349, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9748.	Sec. 1102 of the Social Security Act.	Comments received in response to final rules published Feb. 8, 1978, are being evaluated to determine whether revised final rules are required. These regulations establish the conditions that rural health clinics must meet in order to be certified as suppliers of services under medicare and medicaid.
Reimbursement of Rural Health Clinics.	NPRM	Marinos Svolos, Medicare Bureau, HCFA, Room 106, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9315.	Secs. 1902(a)(13), 1833(a)(3), and 1861(v)(1)(A).	These regulations would propose prospective methods for reimbursing rural health clinics under medicare and medicaid.
Medical Day Care and Ambulatory Surgical Centers.	NOI	Emily J. Nochols, Medicaid Bureau, HCFA, Room 2607, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0384.	Sec. 1102 of the Social Security Act.	The notice would request comments on a proposal to expand regulations covering the medicaid program to include medical day care services and ambulatory surgical centers. The notice would also request comments on a proposal to seek a legislative amendment to permit reimbursement of ambulatory surgical centers and medical day care under the medicare program.
Abolition of Pharmaceutical Reimbursement Advisory Committee.	NPRM	Peter Rodler, Medicaid Bureau, HCFA, Room 3076, Switzer Bldg., 330 C St. SW., Washington, D.C., 202-472-3820.	do	This regulation would propose to amend the procedures by which the Department sets a maximum allowable cost for drugs for which reimbursement is provided under medicare, medicaid, and other programs administered by the Department. The regulation would propose to abolish the Pharmaceutical Reimbursement Advisory Committee and substitute public hearings and the use of consultants.
Payments to Foreign Hospitals for Inpatient Services.	NPRM	Hugh J. McConville, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9430.	Secs. 1814(f) (3) and (4) and 1861(v) of the Social Security Act.	This regulation would propose procedures and criteria for medicare payments for covered inpatient services furnished to beneficiaries by foreign hospitals.
Medicare Payments to Indian Health Service (IHS) Hospitals.	Final	John B. Russell, Medicare Bureau, HCFA, Room 1-H-5, Low Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-8260.	Sec. 1880 of the Social Security Act.	This regulation would provide for medicare payment for services rendered in IHS hospitals and skilled nursing facilities.
Medicare Reimbursement—Shared Services.	NPRM	Henry H. Eidman, Medicare Bureau, HCFA, Room 403, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9490.	Secs. 1102 and 1861(v)(1)(A) of the Social Security.	These regulations would propose criteria to encourage nonprofit hospitals to pool their resources and to share services by allowing the hospital to retain a portion of the resulting savings.
Health Maintenance Organization Qualifying Conditions.	Final	Marinos T. Svolos, Medicare Bureau, HCFA, Room 106, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9315.	Sec. 1876 of the Social Security Act.	Comments received in response to final regulations published Feb. 10, 1978, are being evaluated to determine whether a revised final rule is required. These regulations revise qualification and related grievance requirements that must be met if an organization is to participate as an HMO under the medicare program.
Health Maintenance Organization (HMO) Contracts.	do	do	Sec. 1876 (a), (i), and (j) of the Social Security Act.	This regulation would establish requirements for contracts between the Secretary and HMO's participating in the medicare program. It governs contract application procedures, denials, terminations, renewals, effective dates, responsibilities of the HMO, rights of the Secretary to inspect and audit the HMO, and changes in ownership of the HMO.
Reimbursement-Prepaid Plans.	NPRM	Marinos T. Svolos, Medicare Bureau, HCFA, Room 106, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9314.	Secs. 1802 and 1833(a)(1)(A) of the Social Security Act.	This regulation would propose principles of reimbursement for health care prepayment plans similar to those applicable to health maintenance organizations.
Rural Health Clinic Services—Medicare.	Final	do	Secs. 1102, 1833, 1861(aa), and 1871 of the Social Security Act.	Comments received in response to final regulations published Mar. 1, 1978, are being evaluated to determine whether a revised final rule is required. This regulation governs the coverage and reimbursement of rural health clinic services under the medicare program.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Elimination of the Combination Method of Apportionment for Providers.	do	Hugh J. McConville, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9430.	Sec. 1861(v)(1)(A) of the Social Security Act.	This regulation modifies the methodology used to determine a provider's reimbursable costs for services furnished to medicare beneficiaries.
Transactions: Provider Capital Stock.	do	William J. Goeller, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-8170.	Sec. 1102 of the Social Security Act.	This regulation would establish rules for the treatment of depreciation for purposes of calculating medicare reimbursement, including cases of transfers of corporate stock, mergers, and consolidations.
Collection of Overpayments to Providers.	do	Raymond M. Sillup, Medicare Bureau, HCFA, Room B-2, Gwyn Oak Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9319.	Secs. 1102, 1815, 1870, and 1871 of the Social Security Act and Federal Claims Collection Act of 1966.	This regulation would authorize the Secretary or his designee ot compromise claims or to suspend or terminate collection action on claims arising from medicare overpayments.
Retractive Adjustment in Payments to Providers in Case of Erroneous Reimbursement Methods.	do	Lawrence J. Ageloff, Medicare Bureau, HCFA, Room 469, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-6719.	Sec. 1861(v)(1)(A)(ii) of the Social Security Act.	This regulation would authorize the Secretary to adjust payment made to medicare providers under an erroneous method for determining costs.
Allowance for Depreciation Based on Asset Costs.	do	Hugh H. McConville, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9595.	Secs. 1814(b), 1815, and 1861(v)(l) of the Social Security Act.	This regulation would clarify and expand existing policy for determining the useful lives of depreciable assets used in the provision of patient care. The regulation would also provide for the proper treatment of gains and losses on the disposal of assets.
Reasonable Charges—Medical Supplies.	do	Paul Riesel, Medicare Bureau, HCFA, Room 190, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9595.	Secs. 1833(g) and 1842(b)(3) of the Social Security Act.	This regulation would limit reimbursement under the medicare and medicaid programs for medical services, supplies, and equipment that do not generally vary significantly in quality from 1 supplier to another. Payments would be based on the lowest charge levels at which the services are widely and consistently available in a locality.
Payment for Injections and Negotiated Rates for Laboratory Services.	do	do	Secs. 1833(a)(1)(D) and 1833(h) of the Social Security Act.	This regulation would set a reasonable charge for injection services and for certain diagnostic laboratory tests.
Medicaid Eligibility—Various Provisions to Implement Recent Statutory Changes and to Clarify Existing Rules.	do	Mary Kenesson, Medicaid Bureau, HCFA, Room 3511-B, Switzer Bldg., Washington, D.C. 20201, 202-472-6551.	Section 1102 of the Social Security Act.	Comments received in response to final regulations published Mar. 3, 1978, are being evaluated to determine whether revised final rules are required. These regulations implement statutory changes including medicaid coverage for eligible persons in public community residences housing no more than 16 persons.
Reopening Reimbursement Determinations.	NPRM	Mendel S. Kaufman, Medicare Bureau, HCFA, Room 127, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9232.	Sec. 1861(v)(1)(A)(ii) of the Social Security Act.	This regulation would propose criteria for reopening certain provider cost reimbursement determinations.
Reduction in Grace Period Days Where Payment is Made for Certain Nonreimbursable Expenses.	NPRM	do	Secs. 1158(d) and 1879 of the Social Security Act.	This regulation proposes to limit reimbursement to only 1 additional day of service after a medicare beneficiary or provider receives notice that the services are excluded from medicare coverage. Payments would be allowed for up to 2 additional days if time is needed to arrange postdischarge care.
Beneficiary Liability for Items or Services excluded from Medicare Coverage.	NPRM	do	Sec. 1879 of the Social Security Act.	This regulation proposes criteria under which a beneficiary would not be found liable for certain noncovered items or services if he has not been notified in writing that the items or services in question are excluded from medicare coverage.
Prohibition Against Assignment of Claims.	NPRM	John B. Russell, Medicare Bureau, HCFA, Room 1-H-5, Low Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9595.	Secs. 1102, 1814, 1815, 1835, 1870, and 1871 of the Social Security Act.	This regulation proposes criteria and procedures to prohibit providers, physicians, and other suppliers, with certain exceptions, from assigning claims for reimbursement of services to other persons for collection. It would also impose administrative sanctions against providers, physicians, and suppliers who violate this prohibition.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Durable Medical Equipment	NPRM	Paul Riesel, Medicare Bureau, HCFA, Room 190, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9595.	Sec. 1833(f) of the Social Security Act.	This regulation would propose criteria for requiring purchase (on a lease purchase or other basis) of an item of durable medical equipment when purchase would be less costly or more practical than rental. Procedures are proposed for waiving the purchase requirement and coinsurance in specific circumstances.
Amendments—Fiscal Intermediaries.	NPRM	John W. Jansak, Medicare Bureau, HCFA, Room 209, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-8431.	Secs. 1816 and 1842 of the Social Security Act.	This regulation would recodify existing regulations dealing with contracts between the Secretary and medicare fiscal intermediaries. It also proposes standards, criteria, and procedures for determining the efficiency and effectiveness of those intermediaries and for assigning providers to intermediaries.
Reopening and Revising Claims Determinations Under the Medicare Program.	NPRM	John B. Russell, Medicare Bureau, HCFA, Room 1-H-5, Low Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-8260.	Secs. 1842(b) (3) and (4) and 1869 of the Social Security Act..	This regulation would propose to revise and expand the criteria governing the reopening and revision of medicare benefit payment determinations.
Health Maintenance Orgaization (HMO) Reimbursement Appeals.	NPRM	Mendel S. Kaufman, Medicare Bureau, HCFA, Room 127, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9232.	Secs. 1102, 1861(v)(1)(A), and 1878 of the Social Security Act.	This regulation would propose criteria for appeal by HMO's of medicare cost reimbursement decisions.
Conformance with Professional Standards Review Organization (PSRO) Regulations.	Final with comment period.	Marinos T. Svolos, Medicare Bureau, HCFA, Room 106, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9314.	Secs. 1152(e), 1154(b), 1155(a)(1), 1158, 1164, and 1165 of the Social Security Act.	These regulations would conform medicare rules to PSRO regulations which govern responsibilities of PSRO's for determining the medical necessity, quality, and appropriateness of health services for which payment may be made under medicare.
Definition of Radiological Services.	NPRM	Paul Riesel, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., Baltimore, Md. 21235, 301-594-9595.	Sec. 1833(a)(1)(B) of the Social Security Act.	This regulation would propose broadening the scope of the radiology services for which medicare would reimburse at 100 pct. of reasonable charges.
Reimbursement: Internship and Residency Programs.	NPRM	William J. Goeller, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-8170.	Secs. 1102, 1861(b), 1861(v)(1) and 1903 of the Social Security Act.	This regulation would propose to eliminate the requirement that a provider's costs be reduced by the amount of certain grants and donations when calculating the reimbursement allowed under medicare, medicaid, or the maternal and child health program. These grants and donations are those which support approved internship and residency programs in family practice, general medicine, and general pediatrics.
Payment for Services of Physicians in Teaching Hospitals, for Physician Costs to Hospitals and Medical Schools and for Volunteer Services.	NPRM	Paul Riesel, Medicare Bureau, HCFA, Room 190, East High Rise Bldg., 6401 Security Blvd. Baltimore, Md. 21235, 301-594-9595.	Secs. 1842(b)(3) and 1861(b)(7)(A) of the Social Security Act.	This regulation proposes criteria under which medicare would pay reasonable charges for physician services in teaching hospitals or would reimburse teaching hospitals for the reasonable costs of physician services. It would also specify the manner and extent to which payments would be made for certain medical school costs and for services of volunteer physicians.
Recodification of Medicare Regulations Dealing with Hospital Insurance Entitlement, Deductible and Coinsurance Requirements.	NPRM	John B. Russell, Medicare Bureau, HCFA, Room 1-H-5, Low Rise Bldg., 6401 Security Blvd. Baltimore, Md. 21235, 301-594-8260.	Secs. 1811, 1812, and 1813 of the Social Security Act.	This regulation would propose to clarify, simplify, and update existing regulations pertaining to: (1) entitlement to medicare hospital insurance for certain groups, and (2) the medicare inpatient hospital coinsurance, the posthospital extended care coinsurance, and the blood deductible.
Schedule of Limits on Hospital Inpatient General Routine Service Costs Under the Medicare Program.	Notice	William J. Goeller, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd. Baltimore, Md. 21235, 301-594-9820.	Sec. 1861(v)(1) of the Social Security Act.	This notice contains revised limits on hospital inpatient general routine service costs under the medicare program for cost reporting periods beginning on or after July 1, 1978.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
ASSISTANT SECRETARY OF EDUCATION/NATIONAL INSTITUTE OF EDUCATION				
Capacity building for Statistical Activities in State Educational Agencies.	Final with a comment period.	Ms. Donna Mertens, National Center for Education Statistics, 400 Maryland Ave., SW., Washington, D.C. 20202, 202-245-7813.	General Education Provisions Act, as amended, sec. 406(b)(3).	This regulation governs the award of discretionary grants to build the statistical capabilities of State education agencies. The regulation states eligibility conditions, application requirements, funding, criteria, and other rules for the administration of the program.
Museum Services Program...	Final	Ms. Peggy Loar, Institute of Museum, Services, 200 Independence Ave. SW., Washington, D.C. 20202, 202-245-6753.	Museum Services Act	This regulation governs a new program of Federal financial assistance to museums. It states eligibility conditions, application requirements, funding criteria, and other rules for the administration of the program.
Experimental Program for Opportunities in Advanced Study and Research in Education.	do	Senta Raizer, Associate Director, Dissemination and Resources, Group, National Institute of Education, 1200 19th St. NW., Washington, D.C. 20208, 202-254-5940.	General Education Provisions Act, as amended, sec. 405.	This regulation establishes rules, procedures, and criteria governing the award of experimental grants to institutions to improve opportunities for individuals to obtain high quality expertise and experience in educational research. This program emphasizes these opportunities for minority persons and women.
Educational Equity Research Grants Program.	do	Martin O. Milrod, Plans and Operation, Educational Equity Group, National Institute of Education, 1200 19th St. NW., Washington, D.C. 20208.	General Education Provisions Act, as amended, sec. 405.	This regulation will establish the requirements procedures, and funding criteria for a grants program to improve the ability of schools to meet their responsibilities to provide equal educational opportunities for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged.
OFFICE OF EDUCATION				
Desegregation of Public Education.	Final	Elton Ridge, Office of Education, 400 Maryland Ave. SW., Room 2001, FOB-6, Washington, D.C. 20202, 202-245-8484.	Civil Rights Act of 1964	These regulations govern awards issued under this program and secure eligible projects that facilities the desegregation of public elementary and secondary schools.
Handicapped Children's Early Education Program.	NPRM	Edward Sontag, Office of Education, 400 6th St. SW., Donohoe Bldg., Room 3117, Washington, D.C. 20202, 202-245-9722.	Education for the Handicapped Act, (EHA), Pub. L. 91-230, sec. 623, as amended by Pub. L. 95-49.	The proposed amendments will increase the programs emphasis on the unserved birth-to-3-year old population. In addition, they add criteria for awarding grants to experimental projects; and for funding model programs validated by the U.S. Office of Education.
Handicapped Research and Demonstration Program.	Final	Max Mueller, Office of Education, 400 6th St. SW., Donohoe Bldg., Room 3165, Washington, D.C. 20202, 202-245-2275.	Part E of the Education of the Handicapped Act, Pub. L. 91-230, as amended by Pub. L. 95-49.	These regulations will establish application procedures for research and model program grants with emphasis toward programs for career education, the economically disadvantaged, rural or urban children, multi-handicapped children, handicapped children in regular classroom, secondary-level students, and seriously emotionally disturbed and handicapped children.
Architectural Barriers	NPRM	Dr. Frank Withrow, Office of Education, 400 6th St. SW., Donohoe Bldg., Room 4117, Washington, D.C. 20202, 202-472-1503.	Sec. 607 of Education of the Handicapped Act, added by Pub. L. 94-142.	These regulations established the scope of the program, and its relationship to the Federal regulations governing the elimination of architectural barriers, application requirements and funding criteria.
Work Study Program, Supplemental Educational Opportunity Grants and National Direct Student Loans.	Final	Mr. Hubert Shaw, Office of Education, 400 Maryland Ave. SW., Room 4004, Washington, D.C. 20202, 202-245-9717.	The Education Amendments of 1976.	The regulations govern the award of grants to assist students with financial needs to meet the cost of postsecondary education.
Commissioner's Procedures for Determining Institutional Eligibility and Recognizing National Accrediting Bodies and State Agencies.	NPRM	Dr. John Proffitt, Office of Education, 400 Maryland Ave. SW., Room 3030, ROB-3, Washington, D.C. 20202, 202-245-9873.	The Higher Education Act of 1965, as amended by The Education Amendments of 1976.	These regulations state the Commissioner's requirements and procedures for recognition of national accrediting agencies and associations.
Community Service and Continuing Education.	Final	Dr. J. Eugene Weldon, Office of Education, 400 Maryland Ave. SW., Room 3717, ROB-3, Washington, D.C. 20202, 202-245-9868.	The Education Amendments of 1976.	This regulation is designed to strengthen and expand the community service and continuing education activities of colleges and universities and to promote community wide sharing of educational resources.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
OFFICE OF EDUCATION—Continued				
Statewide Planning—Interstate.	do	Charles I. Griffith, Office of Education, 400 Maryland Ave. SW., Room 4052, ROB-3, Washington, D.C. 20202, 202-245-2671.	Title XII, sec. 1203 of Higher Education Act of 1965, as amended.	This regulation governs grants to States for planning, developing, and carrying out interstate cooperative postsecondary education projects. The purpose is to increase the accessibility of postsecondary educational opportunities for the residents of the States and to assist in carrying out postsecondary education programs in a more effective and economical manner.
Academic Facilities Construction, Reconstruction, and Renovation.	do	Thomas F. McAnallen, Office of Education, 400 Maryland Ave. SW., Room 3716, ROB-3, Washington, D.C. 20202, 202-245-3253.	The Higher Education Act of 1965, as amended by The Education Amendments of 1976.	This regulation governs the award of grant and loan assistance to public and private institutions of higher education academic facilities.
Educational Information Centers.	do	Mary K. Smith, Office of Education, 400 Maryland Ave. SW., Room 3514, ROB-3, Washington, D.C. 20202, 202-245-2511.	do	The purpose of this regulation is to provide educational information, guidance, counseling and referral services to all individuals in a State through centers located within a reasonable distance of all residents, including those individuals residing in rural areas.
Service Learning Centers	do	Barbara W. Freeman, Office of Education, 400 Maryland Ave. SW., Room 3514, ROB-3, Washington, D.C. 20202, 202-245-2511.	do	This regulation is designed to provide remedial and other special services to students enrolled at institutions of higher education.
Training Program for Special Programs Staff and Leadership Personnel.	do	Mary K. Smith, Office of Education, 400 Maryland Ave. SW., Room 3514 ROB-3, Washington, D.C. 20202, 202-245-2511.	do	This regulation is designed to administer the training of staff and leadership personnel who specialize in programs to assist students from disadvantaged backgrounds.
Establishment and Expansion of Community Colleges.	NPRM	Dr. Stanley Patterson, Office of Education, 400 Maryland Ave. SW., Room 3044, ROB-3, Washington, D.C. 20202, 202-436-9756.	do	This regulation governs the award of funds to State commissions to develop and implement statewide plans for the expansion and improvement of postsecondary education programs in community colleges. It also governs the award of grants for the establishment of new community colleges, expansion of programs in existing community colleges, and leasing of facilities.
Law School Clinical Experience Program.	Final	Dr. Donald N. Bigelow, Office of Education, 400 Maryland Ave. SW., Room 3060, ROB-3, Washington, D.C. 20202, 202-245-2347.	do	This regulation governs the award of grants to accredited law schools to establish or expand demonstration projects providing clinical experience to law students in the practice of law.
Procedures for Determining Institutional Eligibility under the Higher Education Act of 1965.	NPRM	Mr. John R. Proffitt, Office of Education, 400 Maryland Ave. SW., Room 3522, ROB-3, Washington, D.C. 20202, 202-245-9873.	The Higher Education Act of 1965, as amended, The Vocational Education Act of 1963, as amended by title II of the Education Amendments of 1976.	This regulation will be used to determine whether an institution of higher education, a proprietary institution of higher education, a vocational school, and an area vocational school meet the statutory definitions of those terms.
General Provisions—Fiscal Eligibility for Institutions Standards.	NPRM	William Moran, Office of Education, 400 Maryland, Ave. SW., Room 4923, ROB-3, Washington, D.C. 20202, 202-245-1744.	The Education Amendments of 1977.	These regulations will set minimum fiscal and administrative standards which an institution should meet in order to maintain eligibility for title IV student aid programs.
Basic Educational Opportunity Grants—Family Contribution Schedule 1979/1980 and Independent Student.	NPRM	do	do	These regulations will contain the formulas used in determining student eligibility on the basis of financial need for the Basic Educational Opportunity Grant program. The regulations also set forth a revised definition of an independent student which will improve the classification of students as dependent or independent for purposes of participation in the Federal Student Financial Aid program.
Career Education—State Allotment and Discretionary Programs.	NPRM	Dr. Sidney High, Jr., Office of Education, 7th and D Sts. SW., Room 3108-A Washington, D.C. 20202, 202-245-2331.	Career Education Incentive Act.	This regulation will govern 4 new programs of financial assistance to enable public and private nonprofit agencies to make career education a major goal by increasing emphasis on career awareness, exploration, decision-making, and planning.
Centers on Educational Media and Materials for the Handicapped.	NPRM	Barry Katz, Office of Education, 400 6th St. SW., Donohoe Bldg., Room 4819, Washington, D.C. 20202, 202-472-4640.	Education for the Handicapped Act, as amended by The Education of the Handicapped Amendments of 1977.	This regulation makes technical changes in the regulations which govern the Media Services and Captioned Films program. The regulation also increases flexibility in the administration of the program and increases the number of grant recipients.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
OFFICE OF EDUCATION—Continued				
Education Hearing Board	NPRM	Dr. David S. Pollen, Office of Education, 400 Maryland Ave. SW., Room 4025, Washington, D.C. 20202, 202-245-7835.	General Education Provisions Act.	These regulations establish an Education Hearing Board to provide impartial administrative procedures for educational institutions or State and local agencies to appeal adverse audit findings or orders of OE officials.
School Assistance in Federally Affected Areas—Technical Amendments and Definitions.	NPRM	Mr. William L. Stormer, Office of Education, 400 Maryland Ave. SW., Room 2107, FOB-6, Washington, D.C. 20202, 202-245-8427.	Financial Assistance for Local Educational Agencies Affected by Federal Activity—"Impact Aid".	These regulations amend current regulations governing the award of Federal assistance to school districts for current expenditures in areas affected by Federal activities. The proposed technical changes provide definitions—for terms as employed on/work on Federal property and suitable free public education.
Educationally Deprived Children—Migrants.	Final	Vidal A. Rivera, Jr., Office of Education, 400 Maryland Ave. SW., Room 3642, ROB-3, Washington, D.C. 20202, 202-245-2427.	Elementary and Secondary Education Act of 1965, as amended by The Education Amendments of 1972, and The Education Amendments of 1974.	These regulations govern the awarding of grants to State education agencies for programs to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen.
Library Services and Construction Act.	NPRM	Elizabeth H. Hughey, Office of Education, 400 Maryland Ave. SW., Room 3022 ROB-3, Washington, D.C. 20202, 202-245-2813.	Library Services Act, as amended by Library Services and Construction Act Amendments of 1977.	These regulations implement the Library Services and Construction Act as amended Oct. 9, 1977. Revisions include the requirement that Federal funds expended for administrative purposes must be equally matched with State or other non-Federal funds.
HUMAN DEVELOPMENT SERVICES				
State Agency on Aging Authority to Approve Extensions of the 3-Year Limit on Projects.	Final	Gene Handelsman, Room 4274, HEW North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201, 202-245-0011.	Title III of Older American Act of 1965, as amended (Pub. L. 94-135).	This regulation transfers authority to approve extensions of the 3-year limitation on social services projects from the Commissioner on Aging to State agencies on aging.
Title XX Anti-Fraud and Abuse: Provider disclosure provisions (Comparison of HCFR and PHS Regs.).	NPRM	Johnnie Brooks, Administration for Public Services, Human Development Services, 330 C St. SW., Washington, D.C. 20201, 202-245-9415.	Medicaid-Medicare Anti-Fraud and Abuse Amendments Pub. L. 95-142, secs. 3 and 8.	This regulation would ropise criteria and procedures for the disclosure of ownership interests of providers of medical, remedial, and social services and the disclusure of individuals associated with the provision of services who have been convicted of fraud against any of these programs.
State Standard Setting for Small Group Homes—"Keys Amendment".	Final	.....do	The Unemployment Compensaton Act Amendments of 1976, Pub. L. 94-506, sec. 505(c).	The Department is considering whether to publish a revised final regulation and is analyzing public comments received in response to the final. The regulation requires States to set standards for small group homes where aged and disabled recipients of benefits from the Supplementary Security Income program are likely to live.
Title I, ESEA, Evaluation Regulations.	NPRM	Judy Burnes, 400 Maryland Ave SW., Room 3040, Washington, D.C. 20202, 202-245-8364.	The Education Amendments of 1974.	These regulations establish models and standards for use of local educational agencies and State educational agencies in the evaluation of all programs funded under title I, Elementary and Secondary Education Act.
Suspension, Termination, and Voiding of Assistance—Emergency School Aid Amendment.	Final	Jesse J. Jordan, Office of Education, 400 Maryland Ave. SW., Room 2007, FOB-6, Washington, D.C. 20202, 202-245-7965.	Emergency School Aid Act.	These regulations will apply the Department Grant Appeals process to decisions to terminate assistance under the Emergency School Aid Act.
Department Grant Appeals Process—Technical Amendments.	.....do	Thomas M. Reynolds, Department of Health, Education and Welfare, 330 Independence Ave. SW., Room 3766, North Bldg., Washington, D.C. 20201, 202-245-7342.	Reorganization Plan No. 1 of 1953.	These regulations will make the Department Grant Appeals Process apply to the resolution of disputes arising from determinations to terminate assistance under the Emergency School Aid Act.
Special Compensatory Projects, Maintenance of Effort, and Technical Changes—.	.....do	Thomas W. Fagan, Office Education, 400 Maryland Ave. SW., Room 2017, FOB-6, Washington, D.C. 202-245-0931.	Emergency School Aid Act, as amended by secs. 321 and 323(a)(5) of Pub. L. 94-482.	These regulations establish standards governing awards of assistance for compensatory services to students who no longer receive assistance under title I because of changes in desegregation plans, and make technical changes to ESAA regulations.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
HUMAN DEVELOPMENT SERVICES—Continued				
Magnet Schools—Emergency School Aid.	.....do	.....do	Emergency School Aid Act, as amended by Pub. L. 794-482.	These regulations govern awards for planning and operating magnet schools, cooperative programs between local educational agencies and universities or businesses, and planning neutral site schools.
SOCIAL SECURITY ADMINISTRATION				
Disclosure of Official Records and Information.	NPRM	Mr. Kenneth Dyer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7454.	Privacy Act of 1974, Pub. L. 93-579, secs. 1-4, 7 and 8.	Provides for disclosure of information from social security records under the social Security Act, the Fredoom of Information Act, the Privacy Act, and other related statutes.
Crediting Quarters of Coverage.	Final	Mr. John Modler, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7337.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 351.	Changes the way a quarter of coverage is determined to reflect the Social Security Amendments of 1977. Beginning Jan. 1, 1978, a quarter of coverage is determined on the basis of the total amount of wages and self-employment income credited to a person in a calendar year.
Totalization Agreements	Final with comment period.	.....do	Social Security Amendments of 1977, Pub. L. 95-216, sec. 351.	Implements a provision that authorizes the President to enter into bilateral agreements with other countries to provide for coordination between the social security system of the United States and other countries. Permits each country to establish entitlement to and amount of benefits based on a combination of a person's periods of coverage under social security systems of both countries.
New Methods for Computing Monthly Benefit Amounts.	Final	Mr. Jack Schanberger, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-6785.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 201.	Explains the decoupling provisions of the Social Security Amendments of 1977 whereby a worker's basic benefit amount is computed from his earnings as a ratio of the total earnings of all workers. Explains the amended provisions for computing minimum benefit amounts and cost-of-living increases and recomputing the basic benefit.
Increase in Old-Age Benefit Amounts for Delayed Retirement; Widows and Widowers Insurance Benefits in Cases of Delayed Retirement.	.....do	Ms. Vera J. Schlosser, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7332.	Social Security Amendments of 1977, Pub. L. 95-216, secs. 203 and 204.	Implements a provision to increase monthly payments of workers to give them greater credit for months in which they are at least 65 and do not receive benefits because of earnings. Also provides for passing along a worker's credit for delayed retirement to a surviving spouse.
Determining Amount Payable on Basis of Pre-1951 Wages; Subsequent Actuarial Reduction of Benefit Increases.	.....do	Mr. Marval Cazer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7463.	Social Security Amendments of 1977, Pub. L. 95-216, secs. 201(d) and 231.	Simplify methods for computing the benefits of a person reaching age 21 after 1936 but before 1951 and who retires, becomes disabled, or dies after December 1977. A person initially entitled to a reduced benefit who later becomes entitled to an increase will have the increased payment reduced by the same percentage that applied to the initial payment.
Requirements for Entitlement or Reentitlement to Child's Benefits.	.....do	Ms. Vera J. Schlosser, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7332.	Sec. 202 of the Social Security Act.	Distinguishes between is unmarried and has not married for purposes of determining entitlement to monthly payments.
Extension of Special Age 72 Payments and SSI Benefits to the Northern Mariana Islands.	.....do	Mr. Sander Weissman, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7341.	Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, Pub. L. 94-241, sec. 502(a).	Provides that people residing in the Northern Mariana Islands, who are otherwise qualified, are eligible for special age 72 payments and supplemental security income in the same manner and under the same conditions as people now residing in the 50 States and the District of Columbia.
Reduction of Benefits to Maximum a Family Can Receive.	.....do	Mr. Jack Schanberger, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-6785.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 202.	Provides a new formula for determining the maximum monthly benefit that a family can receive.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
SOCIAL SECURITY ADMINISTRATION—Continued				
Determining Medical Equivalence and Notice of Discharge from Hospital.	NPRM	Mr. William Ziegler, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7415.	Secs. 205, 223, 1102, 1614, and 1631 of the Social Security Act, as amended.	Defines evidence requirements for determining whether an individual's impairment is equivalent to a listed impairment in the appendices of regulations, pt. 404 and 416. Also eliminates the requirement under title II that the Social Security Administration be promptly notified upon a beneficiary's discharge from a hospital or other similar institution.
Reduced Benefits for Spouses Receiving Government Pensions.	Final with comment period.	Mr. Jack Schanberger, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-6785.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 334.	Explains the pension offset provision whereby a spouse's social security benefit will be offset, or reduced, by the amount of a public pension to which he or she is eligible. There is an exception—offset does not apply to spouses who are eligible for a public pension anytime before December 1982 and who meet the social security requirements that were in effect in January 1977 (i.e., an applicant for husband's or widower's benefits must have met a one-half support requirement.)
Change in Earnings Test; Elimination of the Monthly Measure.	do	Ms. Clara Powell, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7459.	Social Security Amendments of 1977, Pub. L. 95-216, secs. 302 and 303.	Implements a provision which permits payment of monthly benefits because of low earnings in a month only at the time of initial retirement. Thereafter, the right to payments depends on earnings in a year.
Definition of Wages; Military Service Wage Credits; Adjusting Contribution and Benefit Base.	Final	Mr. Kenneth Dyer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7454.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 351.	Reflects a change in granting military wage credits for compensation other than cash. Changed from a monthly amount to an annual amount to conform to new annual reporting of wages.
Recovery of Overpayments; Extension of Recovery Period.	NPRM	Mr. Marval Cazer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7463.	Secs. 204 and 205 of the Social Security Act.	Liberalizes the period for recovery of an overpayment by removing the present 3-year time limitation in which overpayments must be recovered.
Deemed Filing of Waiver of Tax Exemption by Religious, Charitable, and Other Organizations Described in Section 501(a)(3) of the Internal Revenue Code.	Final	Mr. Kenneth Dyer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7454.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 312.	Provides for a deemed filing of waivers of tax exemptions by religious, charitable, or other organizations described in the Internal Revenue Code.
Income from Self-Employment of Limited Partner.	do	Ms. Dorothy Algea, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-5587.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 313.	Excludes from self-employment income the distributive share of partnership income derived by a limited partner. A limited partner renders no services to the business and can lose no more than the investment.
Equitable Adoption	NPRM	Ms. Vera Schlosser, Office of Policy and Regulations, 6401 Security Blvds., Baltimore, Md. 21235, 301-594-7332.	Sec. 202 of the Social Security Act.	Sets factors to be considered in determining whether a child has been equitably adopted. Equitable adoption is adoption in fact and not established under State law.
State and Local Government Wage Reporting Requirements; Annual Basis.	NPRM	Mr. Armand Exposito, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7455.	An act to amend the SSA Act to expedite the holding of hearings under titles II, XVI, and XVIII by establishing uniform review procedures under such titles, and for other purposes, Pub. L. 94-202, secs. 7 and 8.	These regulations change the States' obligation for filing wage reports from one each quarter to one each year. This will reduce SSA's and the States' processing times.
State and Local Coverage—Frequency with Which States Should Deposit Social Security Contributions.	Final	do	Sec. 218(e) of the Social Security Act.	These regulations would require the States to pay their FICA contributions 15 days after the end of each month rather than 45 days after each quarter. This speedup in collections will add millions of dollars per year to the trust funds.
Substantial Gainful Earnings Guidelines for Persons Disabled Due to Blindness.	do	Mr. Harry Short, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7414.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 335.	Increases the amount persons disabled by blindness may earn and not lose disability payments under title II of the Social Security Act. An individual who is blind shall not be regarded as having demonstrated an ability to engage in substantial gainful activity on the basis of earnings unless the earnings exceed the exempt amount that applies to retired persons age 65 or over.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
SOCIAL SECURITY ADMINISTRATION—Continued				
Guidelines for Adjudicating Disability Claims in Which Vocational Factors Must Be Considered.	do	Mr. William Ziegler, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7415.	Secs. 205, 223, 1102, 1614, 1631 of the Social Security Act, as amended.	Expand existing regulations to include additional detailed criteria for the evaluation of claims based on disability (under titles II and XVI of the Social Security Act) in which a determination of disability cannot be made on medical severity alone or on the ability to do past work. Provides rules for evaluating age, education, and work experience in these kinds of disability claims.
Substantial Gainful Activity-Earnings Guidelines for 1977.	do	do	Secs. 205, 223, 1102, 1164, and 1631 of the Social Security Act, as amended.	Increases the monetary amounts of the substantial gainful activity guidelines to $240 per month at the higher level and $160 per month at the lower level for calendar years after 1976.
Revised Medical Criteria for the Determination of Disability.	NPRM	Mr. Harry Short, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7414.	Secs. 205(a), 1102, and 1614(a) of the Social Security Act.	Revises the medical evaluation criteria currently used in the SSI and social security disability programs which describe the level of severity deemed sufficient to prevent a person from engaging in any gainful work activity. Recognizes medical advances both in treatment and in methods used to evaluate severity of particular impairments.
Review of Deemed and Pending Claims Under the Black Lung Benefits Reform Act of 1977.	NPRM	Mr. Armand Esposito, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7455.	Black Lung Reform Act of 1977, Pub. L. 95-239, sec. 435.	Explains the rules under which SSA will review denied and pending claims for black lung benefits. Also modifies the standards used to determine whether a miner is or was totally disabled due to pneumoconiosis.
Filing Date of Applications Based on an Oral Inquiry (SSI).	NPRM	Mr. John Renner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7519.	Secs. 1102, 1611, and 1631 of the Social Security Act.	Specifies when the date of an oral inquiry is considered the filing date of an application for supplemental security income benefits.
Eligibility of Individuals Residing in Publicly Operated Community Residences Serving No More Than 16 Residents.	Final	Mr. Sander Weissman, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7341.	Unemployment Compensation Amendments of 1976, Pub. L. 94-566, sec. 505(a).	Provides that the term "public institution" does not include publicly operated community residences which serve no more than 16 residents. Also defines what are and what are not publicly operated community residences which serve no more than 16 residents.
Evidence of Permanent Residence in the United States Under Color of Law.	NPRM	do	Secs. 1614(a)(1)(B) of the Social Security Act.	Provides that aliens who have continuously resided in the United States since before Jan. 1, 1970, will be presumed to be permanently residing in the United States under color of law for purposes of eligibility for SSI payment.
Amount of Benefits; Cost-of-Living Increases and Computation of Certain Benefits under Title XVI (SSI).	Final	Mr. Marval Cazer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7463.	Unemployment Compensation Amendments of 1976, Pub. L. 94-566, sec. 502.	Deletes tables of increased benefit amounts from existing regulations. Reference is made to basic statutes and to notices in the FEDERAL REGISTER to ascertain current benefit amounts.
Reduction of SSI Payments to Individuals in Substandard Institutions.	NPRM	Ms. Virginia Kohan, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-6629.	Unemployment Compensation Amendments of 1976, Pub. L. 94-566, sec. 505(d).	Prescribes the method of reducing SSI benefits payable to persons residing in facilities that do not meet approved State standards.
Deeming of Income (SSI)	Final	Mr. Sander Weissman, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7341.	Social Security Amendments of 1972, Pub. L. 92-603, Sec. 301.	Provides the method to be used in the SSI program for determining amount of income to be deemed from: (1) An ineligible spouse to an eligible individual; (2) an ineligible parent (or ineligible spouse of parent) to an eligible child; or (3) an ineligible spouse to an eligible individual and his or her eligible child.
Medical and Social Services Which Are Not Income (SSI).	NPRM	Mr. Henry Lerner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7336.	Sec. 1612 of the Social Security Act.	Exclude from the SSI definition of income certain medical and social services. This means those furnished in conjunction with any governmental or nongovernmental assistance program based on need.
Unearned Income, Support, and Maintenance in Certain Household and Nonmedical Institutional Situations (SI).	Final	Mr. Sander Weissman, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7341.	Social Security Act, sec. 1612.	Establishes rules for evaluating support and maintenance provided in-kind to an eligible individual (or couple) residing in a household and not receiving full support and maintenance. Also provides rules for the valuation of in-kind support and maintenance received by an eligible individual (or couple) residing in a nonmedical institution.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
SOCIAL SECURITY ADMINISTRATION—Continued				
Unearned Income, One-Third Reduction for Living in Another Person's Household (SSI).	Final with comment period.	.....do	.....do	Provides that the standard payment amount for an eligible individual (or couple) who lives in another person's household and receives support and maintenance from such person will be reduced by one-third. The actual value of such support and maintenance is not established.
Exclusion From Income of Assistance Based on Need Furnished by States or Political Subdivisions (SSI).	Final	Mr. Harry Short, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7414.	Unemployment Compensation Amendments of 1976, Pub. L. 94-566, sec. 505(b).	Provides additional exclusion of assistance based on need in determining countable income under the SSI program. Certain State and local government payments which previously resulted in countable income are excluded if they are based on need and are funded wholly by a State or political subdivision.
Exclusion of Receipts From Land Held in Trust for Indian Tribes From Countable Income and Resources (SSI).	.....do	Mr. Sander Weissman, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7341.	Indian tribes—submarginal land held in trust, Pub. L. 94-114, sec. 6.	Excludes from consideration as income or a resource (under the SSI program) certain receipts distributed to members of Indian tribes. These receipts are derived from certain submarginal lands conveyed to Indian tribes and held in trust by the United States.
Exception to the One-Third Reduction Provision and Income and Resource Exclusion When an Individual Is Affected by a Major Disaster (SSI).	.....do	Mr. Henry Lerner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7336.	Major Disasters Presidentially declared. Pub. L. 94-331, secs. 2 and 4; Pub. L. 94-955, sec. 2125; Pub. L. 95-171, secs. 6, 7, 8, and 9.	Provides additional exclusions in determining countable income and resources for payment of SSI benefits when an individual is affected by a Presidentially declared major disaster.
Replacement of Damaged or Lost Excluded Resources (SSI).	.....do	.....do	Sec. 1613 of the Social Security Act.	Exclude from income and resources, assistance received from any source for the repair or replacement of certain damaged, lost, or stolen property.
Counting of Resources; Treatment of Title XVI Retroactive Payments (SSI).	NPRM	Mr. John Modler, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7337.	.....do	Provides for the treatment of the receipt or appreciation of countable resources above the statutory limit during a calendar quarter. Also provides that SSI benefits and State supplementation (if any) covering a retroactive period are not counted as resources until the second quarter following the quarter of receipt.
Exclusion From Resources of the Property Essential to Self-Support (SSI).	Final with comment period.	.....do	Social Security Amendments of 1972, Pub. L. 92-603, sec. 301 and Internal Revenue Code of 1954—Distilled Spirits Stamps, Pub. L. 94-569, sec. 4.	Provides guidelines for determining when property essential to self-support is excluded from countable resources under the SSI program. Also provides that even if income-producing property is associated with the home, the home (including land appertaining to it and buildings on the land) is excluded as a resource regardless of its value or use.
Increasing the Reasonable Value of Household Goods and Personal Effects and the Automobile (SSI).	Final	Mr. Henry Lerner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7336.	Sec. 1613 of the Social Security Act.	Increases the reasonable value of household goods and personal effects from $1,500 to $2,000 and the value of an automobile from $1,200 to $2,000. Values within these amounts will not affect eligibility for SSI payments.
Evaluating Resources on Basis of Equity Value (SSI).	.....do	.....do	.....do	Provides for evaluating resources on the basis of equity in the resource rather than its current market value.
Referral of Blind and Disabled Individuals Under Age 16 for Appropriate Rehabilitation Services (SSI).	.....do	Mr. Armand Esposito, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7455.	Unemployment Compensation Amendments of 1976, Pub. L. 94-566, sec. 501.	Final rules reflecting legislation requiring the Secretary to refer certain individuals receiving supplemental security income benefits to a vocational rehabilitation agency. Changes the regulations to show that blind or disabled persons under age 16 need not accept vocational services to be eligible for SSI benefits.
Permitting Individuals Applying for or Receiving SSI To File for Food Stamps in Social Security Offices (SSI).	NPRM	Mr. John Renner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7519.	Food and Agriculture Act of 1977, Pub. L. 95-113, sec. 1301, 91 Stat. 973.	Describes SSA's authority (with the concurrence of the Department of Agriculture) to obtain information from individuals solely for food stamp purposes.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
SOCIAL SECURITY ADMINISTRATION—Continued				
Pass-Along Provisions of Federal Supplemental Security Income Cost-of-Living Increases to State Supplementary Recipients With Limitation on State Costs for Hold-Harmless States (SSI).	NPRM	Ms. Clara Powell, Office of Policy and Regulations, 7401 Security Blvd., Baltimore, Md. 21235, 301-594-7459.	Food Stamp Distribution to AFDC Families, Pub. L. 94-585 sec. 2.	Implement provisions of sec. 1618 of the Social Security Act by interpreting the statute to include those beneficiaries who receive only State supplementation and to provide guidelines for related State agreements.
Recovery of Overpayments From Federal SSI Benefits and State Supplementation Amounts Federally Administered.	NPRM	do	Secs. 1616 and 1631(b) of the Social Secutiry Act, as amended.	Clarifies existing policy to make it clear that when the State supplement is federally administered overpayments of that supplement may be recouped from the SSI benefit. When there has been an overpayment of both payments, the State payment is to be recouped first.
Social Security Number Issuances.	Final with comment period.	Mr. John Renner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7519.	Social Security Amendments of 1972, Pub. L. 92-603, secs. 130 and 137.	Requires that all applicants for social security numbers submit documentary evidence of identity, age, and citizenship or alien status. Also requires that all applicants for duplicate social security number cards submit sufficient evidence to establish their identity.
Quality Control System; Incentive Adjustment for Quality Control in Federal Financial Participation in the AFDC Program.	NPRM	Ms. Clara Powell, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7459.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 402.	Provides States administering AFDC programs with a fiscal incentive for reducing AFDC quality control error rates.
Standards of Personnel Administration (AFDC).	Final	do	Social Security Act, sec. 403.	Revise and recodify policies related to financial assistance programs provided under the Social Security Act. It is necessary to recodify those now administered by SSA, formerly administered by the now defunct SRS.
Disregard of Income Earned by Youth (AFDC).	NPRM	Mr. John Modler, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7337.	Youth Employment and Demonstration Act of 1977, Pub. L. 95-93, sec. 201.	Beginning August 5, 1977, earnings received by a youth under pt. C of the Comprehensive Employment Act of 1973, shall be disregarded in determining the family's eligibility for, and amount of, any benefit based on need and funded by Federal or federally assisted programs.
Protective, Vendor, and Two-Party Payments for Dependent Children (AFDC).	NPRM	Mr. Marval Cazer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7463.	An act to extend certain Social Security Act provisions and for other purposes, Pub. L. 95-171, sec. 3.	Increases from 10 to 20 pct the Federal matching of funds for protective and two-party payments in State AFDC cases. Two party payment checks require endorsement by the individual and the provider of care.
Demonstration Projects (AFDC).	Final	Ms. Virginia Kohan, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-6629.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 404.	Provide necessary details, instructions, and policy for State implementation of experimental pilot and demonstration projects administered by SSA. The purpose is to improve methods and techniques of providing AFDC payments and to promote work incentive.
FOOD AND DRUG ADMINISTRATION				
Plasma for In-Vitro and In-Vivo Use.	Notice	Mr. Albert Rothschild, Bureau of Biologics, 11400 Rockville Pike, Rockville, Md., 301-443-1307.	Federal Food, Drug, and Cosmetic Act.	The notice advises manufacturers of the requirements for labeling of unlicensed and licensed source blood, plasma, and serum intended for manufacture into injectable and noninjectable products. The document clarifies some misunderstandings of the provision of the GMP regulations in regard to how blood and blood components intended as source material in the manufacture of injectable and noninjectable products should be labeled.
Citrate Phosphate Dextrose Adenine Solution (CPDA).	Final order	do	do	This document is a proposal to provide for use of CPD supplemented with adenine as an anticoagulant for whole blood and products derived from whole blood. When CPDA is used as the anticoagulant the permitted storage period for whole blood (human) and red blood cells (human) may be extended from 21 to 35 days.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Statement of Potency	Proposal	do	do	The document proposes to clarify what constitutes a U.S. standard of potency. Labeling of biological products requires a statement expressed in terms of an official standard of potency if potency is a factor or "No U.S. Standard of Potency" if no U.S. standard of potency has been prescribed.
Expiration Date for Source Plasma (Human).	do	do	do	This document proposes to amend part 610 CFR, by assigning an expiration date for Source Plasma (Human).
Allergenic Extracts	do	do	do	This document will be primarily concerned with the maximum size of containers for Allergenic Extracts.
Extension on Comment Period for Panel Report.	Final order	do	do	This document will amend section 601.25 CFR to extend the comment period for panel reports from 60 days, to a period of 90 days. This change is being made to be consistent with the drug panel reports and to allow review of the report and submission of comments in a timely fashion.
Allergenic Source Materials.	Notice	do	do	This document is a notice to manufacturers of allergenic products of the applicability of the biologics regulations to all steps in the manufacture of such products, including those standards that affect the source material used for manufacturing the final product. Guidelines are being made available which concern applicability of the standards to the source materials used for allergenic extracts.
Blood Group Substances	Final order	do	do	The document proposes additional standards for Blood Group Substance A, Blood Group Substance B, and Blood Group Substance AB. Blood Group Substances are widely used as immunizing antigens by suppliers by hyper-immune blood, plasma or serum. Blood obtained from individuals who have been immunized with Blood Group Substance is used in the manufacture of diagnostic reagents to type ABO blood groups.
BCG Vaccine Reproposal	Proposal	do	do	BCG Vaccine contains live bacteria of the bacillus of Calmette and Guerin, an attenuated strain of Mycobacterium bovis. It is used prophylactically to prevent tuberculosis in humans. This document establishes additional standards for BCG Vaccine.
Mycobacterium Tuberculosis (avian TB in eggs).	do	do	do	The document proposes to add a new section 610.31 CFR to prescribe a specific test for safety to be used to determine the presence of M. Tuberculosis in viral vaccines. This amendment is being proposed because of the existing use of a wide variety of tests which are inadequately performed and poorly controlled.
Leukocyte Typing Serum.	do	do	do	This document proposes to amend part 610 CFR by prescribing a one year dating period for liquid Leukocyte Typing Serum, and Part 660 by prescribing additional standards for the manufacture of Leukocyte Typing Serum
Typhoid Vaccine	do	do	do	This document proposes to amend the additional standards for Typhoid Vaccine by setting new standards for the performance and results of the potency test for each lot of manufactured Typhoid Vaccine. Typhoid immunization is indicated when a person has come into contact with a known typhoid carrier, if there is an outbreak of typhoid fever in the community, or if a person plans to travel to an area where typhoid fever is endemic.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Clarification of Sterility Testing.	Final order	do	do	The order is intended to clarify sections 610.12(b)(1) CFR by stating only one repeat bulk sterility test shall be conducted. The existing regulation refers to "the repeat sterility test" in the singular but manufacturers have erroneously interpreted this to mean more than one test may be performed.
Administrative Procedures on Suspension and Revocation of Licenses.	do	do	do	This document will amend the general regulations to update and clarify the general regulations concerning suspension and revocation of licenses.
Master File for Specifications of Containers and Equipment Related.	Proposal	do	do	This document proposes to amend section 606.65 CFR to require that only containers and accessory equipment about which the Bureau of Biologics has received specific toxicology and manufacturing details may be used to hold blood.
Limulus Amebocyte Lysate (LAL).	do	do	do	LAL, prepared from the circulating amebocytes of the horseshoe crab, is used as a reagent for in vitro testing to detect bacterial endotoxins in certain biological products and medical devices. (This document proposes additional standards for LAL, and permits the use of the LAL test as a substitute for the rabbit pyrogen test for certain products.)
Reorganize Whole Blood (Human) Sections.	do	do	do	This document proposes to revise and reorganize Subpart A in Part 640 CFR which prescribes additional standards for Whole Blood (Human). The regulations are being reorganized to reflect, insofar as possible, a logical sequence beginning with the collection of blood and progressing through storage, testing, labeling and issue.
Viral Vaccines and Rickettsial Vaccine—Panel Report.	do	do	Federal Food, Drug, and Cosmetic Act and Public Health Service Act.	The Panel Report and proposal will categorize Viral vaccines and Rickettsial vaccines as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.
Bacterial Vaccines and Toxoids with Standards of Potency—Panel Report.	do	do	do	The Panel Report and Proposal will categorize bacterial vaccines and toxoids with standards of potency.
Panel on Review of Blood and Blood Products and Review of Allergenic Extracts.	do	do	do	These documents will propose placing the subject products into categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.
Panel on Rubella Virus Vaccine.	do	do	Federal Food, Drug, and Cosmetic Act.	This document proposes to amend the Additional Standards for Rubella Virus Vaccine to permit the use of human diploid cell strain WI-38 as a substrate in the manufacture of this product, and define tests for safety required.
Notification of FDA Regarding Adverse Reactions.	do	do	do	This document would require that manufacturers notify FDA of reports of adverse reaction from use of their products.
Update Definition of "Filling".	do	do	do	This document will update the definition for a "filling". The present definition of a filling in section 600.3(y) CFR is no longer broad enough to be applicable to all products.
Change in Policy Concerning Issuance of Certain Licenses (Viral Panel Report Recommendation).	do	do	do	The document would change the form of licenses for combination products from requiring separate licenses for each component of a combination product, as well as for the combination product itself, to requiring only a single license for the combination product. This will be published as a part of the proposal resulting from the viral panel recommendations.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Immune Globulin	do	do	do	The document proposes to amend Part 640 CFR in Subparts J & K, by revising and updating standards for Immune Globulins.
Antihemophilic Factor (Human).	do	do	do	This document is a proposal to amend the biologics regulations by prescribing additional standards for the manufacture of Antihemophilic Factor (Human). When Antihemophilic Factor (Human) is given intravenously to a hemophiliac during spontaneous bleeding episodes, after injury, during surgery, or prophylactically, the defective bleeding of the hemophiliac may be completely corrected for approximately one day.
Clarification of Sterility Testing.	do	do	do	This amendment is proposed to clarify section 610.12(e)(2)(i) CFR of the regulations which specifies that at least two strains of micro-organisms for each type of sterility test medium shall be used.
Skin Test Antigen—Panel Report.	Final order	do	Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.	This document will finalize a proposal, placing Skin Test Antigens in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.
Bacterial Antigens & Bacterial Vaccines with "No U.S. Standard of Potency"—Panel Report.	do	do	do	This document will finalize a proposal, placing the subject vaccines in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.
Compatability Testing	Proposal	do	do	This document proposes to amend Section 606.151(c) to require that only Licensed Reagent Red Blood Cells (Human) specifically approved for antibody screening shall be used when antibody screening is done in place of the crossmatch.
Establishment Registration.	do	do	do	The document proposes to add a subsection to section 607.75 to clarify that establishments engaged solely in the manufacture of radiopharmaceuticals from blood products licensed under section 351 of the PHS Act must register under section 207 of the FDC Act.
Antibiotic Certification; Selective Testing.	Final	Ms. Mary McEniry, Bureau of Drugs (HFD-30), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3640..	Federal Food, Drug, and Cosmetic Act.	The intent of this regulation is to require persons requesting antibiotic certification to submit all results obtained from their own testing. Such results will better permit the Bureaus to assess the quality of samples submitted for certification. The rule will allow the Bureau to vary its own testing depending on the quality of the data and the inspectional profile of the firm. More efficient utilization of the Bureau's manpower resources and more efficient certification procedures should result.
Discontinue Certifying 80-Unit Insulin.	Reproposal	do	do	This document will be another proposal to amend the insulin regulations, by deleting the requirements for certification of 80-unit insulin. This would leave one high-potency insulin available. The document will also request comments on the continued need for the 40-unit insulin products.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Revision of Antibiotic Sampling Procedure.	Final	do	do	This document will revise the intervals at which capsules, tablets, suppositories, or other such antibiotic unit dosage forms are collected during manufacturing or packaging or from the completed bulk batch for submission to FDA for testing and certification. This rule will result in the sampling requirements being more appropriate for the high-speed, large-volume production equipment currently in use.
Reorganization of Insulin Regulations.	Proposal	do	do	The insulin regulations are in need of rewriting and updating to incorporate requirements that have been applied to other drugs over the past 20 to 30 years. This document will propose to revise the insulin regulations by establishing a monograph for each insulin product. The regulations are extraordinarily cumbersome, difficult to follow, and essentially incomprehensible to anyone other than the people working in the certification program.
Proficiency Testing	do	do	do	The USP in collaboration with FDA has agreed to establish a compendial proficiency testing standard for apparatus used in conducting an *in vitro* dissolution test to assure that results from such apparatus are accurate and representative of the actual performance of the apparatus. FDA, by regulation, will require manufacturers to submit the results of proficiency testing together with the results of any *in vitro* dissolution test conducted to meet a bioequivalence requirement, a requirement for new drug application approval, or to assure batch-to-batch uniformity.
Conduct of Clinical Investigations.	do	do	do	This document proposes to clarify existing regulations governing the conduct of persons who conduct clinical investigations on new drug products and to extend the regulations to include persons who conduct clinical investigations on other products regulated by FDA. The document will make a single set of standards applicable to all clinical investigators involved in investigational studies that either require prior FDA review or are later submitted to FDA in support of an application for a research or marketing permit.
Sponsor's Obligations for Monitoring Clinical Investigations.	Final	do	do	This document will establish procedures to be followed by a sponsor and a monitor before initiating, and during the course of, a clinical investigation involving the use of a drug, device, food or color additive, cosmetic, or electronic product. The requirements should provide greater protection of the rights and safety of subjects in clinical investigations and help assure the quality and integrity of the data filed with FDA.
Bioresearch Monitoring Data Collection Form.	Proposal	do	do	This proposal will require a new section in the IND Form FD-1571 which will require the submission of certain basic data on the investigational drug, sponsor of the study, facilities used in the study, and the investigators participating in the study, and in a format that permits easy transfer of the information into a computer system. The proposal will require sponsors to submit some additional information that is not currently required.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Methadone; Revision of Medical Standards.	Final	do	do	This final rule will revise the medical standards for methadone treatment programs. It will allow the medical director of a program to exercise greater discretion in applying the required basic clinical standards (for example, on staffing patterns, criteria for admission, and frequency of urine testing). In other areas, where the regulations mandate specific levels of performance, it will describe them in greater detail (for example, what constitutes an adequate physical examination).
Methadone—Revisions Pursuant to NATA.	do	do	do	In enacting the Narcotic Addict Treatment Act of 1974, Congress amended the Controlled Substances Act. This final rule will make FDA methadone regulations consistent with the new law and with regulations of the Drug Enforcement Administration implementing the new law.
Narcotic Drugs Other than Methadone; Exemption Criteria for Use In Treatment of Addiction.	Proposal	do	do	This document will propose standards for use of narcotics, other than methadone, for treatment of narcotic addiction. It will be prepared in conjunction with NIDA. A notice of intent to propose and request for data and comments was published October 28, 1977.
Related Drugs	NPRM	do	do	This document will propose changes in the regulations to confine Abbreviated New Drug Application (ANDA) submissions to products identical to the DESI drug unless a separate finding has been made that an ANDA is acceptable for a related product.
ANDA Content	NPRM	do	do	This document will require the manufacturing information in ANDA's to be described in the same detail as in full NDA's.
Paragraph XIV (of a court order) Revised Policy.	Notice	do	do	The bureau must prepare appropriate notices to implement the revised policy to permit any firm to market a paragraph XIV drug as long as the firm has an ANDA and the required studies are undertaken by one company.
ANDA's for Post 1962 Drugs	NPRM	do	do	This document will permit the filing of ANDA's for post 1962 drugs by establishing criteria.
Adverse Drug Experience Reporting.	NPRM	do	do	The document proposes to revise the periodic reporting requirements for marketed drug products to (1) require that all reports of adverse drug experiences with approved new drugs and antibiotics be submitted to a central location within FDA (Division of Drug Experience, HFD-210), and (2) revise the reporting time period for such reports. This is part of an overall Agency effort to centralize the data collection and dissemination of adverse drug experience information and to improve the effectiveness of the Agency's post-marketing surveillance program.
CGMP Regulations, General.	Final	do	do	The "umbrella" or general current good manufacturing practice regulations (CGMP) were proposed for public comment on February 13, 1976. Their purpose is to update CGMP regulations currently in effect for human and veterinary drugs.
Prescription Drug Dispensing Containers.	do	do	do	This document requires that prescription drug labels inform the pharmacist of the proper type of container to be used for dispensing a drug in order maintain its identity, purity, and strength.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
CGMP Regulations for Large Volume Parenterals.	do	do	do	These regulations will establish current good manufacturing practice for the manufacture of a class of parenteral drug products that can be characterized as terminally sterilized, aqueous solutions of 100 ml or more. Because of the conditions of use of these products, high quality, particularly with regard to sterility, pyrogens, and particulates, is absolutely essential. Although only a relatively few firms (fewer than 20) manufacture these drugs, enormous amounts are produced. In addition, over the years serious production problems have been encountered with these products.
CGMP for Compressed Medical Gases.	NPRM	do	do	This document would impose specific requirements on this industry in order to prevent mixups and assure potency. Mixups have, in the past, resulted in patient injuries and deaths due to administration of the wrong gas. The Agency and the Compressed Gas Association have long recognized that the "umbrella" CGMP regulations are not tailored for this industry, and problems in interpreting the requirements of the umbrella CGMP regulations for this industry have occurred, particularly during establishment inspections conducted by the field districts.
Clarification of who is the manufacturer of a drug for the purpose of stating the manufacturer's name on the drug's labeling.	NPRM	do	do	The Agency has been following the so-called man-in-the-plant policy on this subject. Under that policy, whether an individual or firm is considered the manufacturer of a drug product depends upon the person's, or firm's degree of involvement in the quality control and manufacturing of the drug. A firm that contracts with another company for the manufacture of a drug is considered the manufacturer (for the purpose of being able to state on the label "manufactured by") if it has a qualified and authorized employee in the plant of the contracting company and that employee monitors all of the manufacturing operations for conformance with approved procedures and controls. The policy requires clarification and refinement and should be in the form of a regulation which is the purpose of this proposal.
CGMP for Bulk Drugs	NPRM	do	do	Although this industry is subject to the current good manufacturing requirements of the Act, the umbrella CGMP regulations do not apply because Part 211 CFR applies only to drug products, which are defined as finished dosage form drugs. Therefore, the Agency does not have binding regulations that apply to this industry. The field districts in their establishment inspections do attempt to use the umbrella CGMP regulations as a guide, but problems of determining just what is current good manufacturing practice for this industry occur quite frequently.
CGMP for Radiopharmaceutical Drug Products.	NPRM	do	do	This industry makes up only a small segment of the drug industry. However, these products are therapeutically significant drugs with special problems during manufacture, such as the need to protect plant personnel from the effects of radiation and the short time during which they are effective. Although the umbrella CGMP regulations currently cover these drug products, the umbrella regulations do not contain the specific manufacturing and control requirements that should be binding for this industry.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
CGMP for Small Volume Parenteral Drug Products.	NPRM	do	do	This regulation would probably apply to all injectables with a volume of less than 100 ml, with the exclusion of radiopharmaceuticals. This is a major segment of the U.S. drug industry, and it produces therapeutically significant drugs where deviation from potency or from other quality attributes such as sterility can have serious effects on the patient.
Registration of Foreign Drug Establishments.	NPRM	do	do	A proposal was published in May 1972 to establish procedures whereby foreign drug manufacturers could register their drug establishments. Since then, significant changes to the Act and the regulations have occurred (implementation of Drug Listing Act of 1972, enactment of the Device Amendments of 1976, promulgation of device establishment registration and device listing regulations). Because of these changes and the time that has elapsed since the proposal was published, we intend to repropose the regulation.
Exemption from Labeling Requirements for Small Containers.	NPRM	do	do	The existing regulation on exemptions from label requirements for small containers is widely misunderstood and needs clarification. It must also be revised to cover the labeling requirements for unit-dose packages.
Revocation of Certification for Pediatric Dosage Forms of Tetracycline.	Final	do	do	This document proposed to amend the antibiotic drug regulations by revoking provisions for certification of pediatric dosage forms of tetracycline and removing them from the market.
Progestagen Labeling	do	do	do	This document will require patient labeling for progestational drug products to warn patients that there is an increased risk of birth defects in children whose mothers take the drug during the first 4 months of pregnancy.
Prescription Drug Labeling	do	do	do	This document will specify the content and format of physician labeling for human prescription drugs. The rule designates a required format for physician labeling and provides detailed standards on the kind of information that must be included under each of the specific section headings of the format. It will require the revision of most currently used physician labeling for human prescription drugs.
Oral Hypoglycemic Labeling.	do	do	do	This document requires additional statements in the labeling of oral hypoglycemics concerning increased cardiovascular deaths attributed to their use and directs the physician to discuss these risks and alternative therapy with the patient.
Ethylene Oxide	NPRM	do	do	The document proposes to establish interim residue limits for ethylene oxide and its two reaction products, 2-chloroethanol and ethylene glycol, in human and veterinary drug products, medical devices, and cosmetics when ethylene oxide has been used for sterilization during the manufacturing process.
Fetal Alcohol Syndrome; Required Warning for Drugs Containing Alcohol.	NPRM	do	do	This proposal will require a warning on physician labeling for oral prescription drugs and oral OTC drugs that contain certain amounts of alcohol. The warning is based upon evidence of a causal relationship between alcohol consumption by pregnant women during pregnancy and deformities in the unborn children.
Exemption of Penicillamine from Antibiotic Certification and Labeling Requirements.	NPRM	do	do	This document proposes to amend the regulations to permit exemption of penicillamine from antibiotic certification requirements.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
New Drug Status of Trichloroethylene.	Final	do	do	This document will declare any drug product containing trichloroethylene as an active or inactive ingredient to be a new drug and misbranded. This action is based upon studies showing trichloroethylene to be carcinogenic in animals.
Revocation of the Exemption from Full Disclosure Labeling.	do	do	do	This document will revoke the exemption in the prescription drug labeling regulations (21 CFR 201.100(c)(2)) under which certain prescription drug products may be marketed without physician labeling. It also will revoke the list of drugs in the regulations (21 CFR 201.160) for which the Commissioner has previously offered an opinion that physician labeling could be omitted.
Thyroid-Blocking Agent	Notice	do	do	A draft notice has been prepared requesting submission of ANDA's for stable dosage forms of potassium iodide. This notice has resulted from a GSA announcement in the FEDERAL REGISTER that DHEW is responsible for assisting State health and other professional organizations in developing plans for the prevention of adverse effects from exposure to radiation in the event of accidental release of radioiodine in the environment. An ad hoc committee of the National Council on Radiation Protection and Measurements studied the idea of using thyroid-blocking agents as a means of reducing radiation dose. Potassium iodide is one such suitable agent.
Revision of Drug Research and Marketing Regulations.	NPRM	do	do	The Bureau plans to completely rewrite the Investigational New Drug/New Drug Application (IND/NDA) regulations to more formally structure the IND phases and to concentrate the review and evaluation of the drug in the IND phases. This will mean if a drug reaches the NDA stage it should be essentially approvable at that time. Other "tuning" of these regulations will be included, e.g., to provide the optimum conditions for efficient review both before and after NDA approval.
Legal Status of Approved Labeling.	do	do	do	This document may be a reproposal. It will describe the legal status of the package insert, and will cover the unapproved use issue. A proposal on the legal status of approved labeling was initially published on August 15, 1972. Our reproposal will have to address the problems raised about that proposal, as well as explain our current thinking.
Prompt Reporting of Animal Studies and Data.	Final	do	do	This document will set forth procedures for assuring that the sponsor of an IND report promptly to FDA certain information about ongoing and proposed animal studies and the data that are derived from them. The regulation is needed since FDA has become aware of incidents in which sponsors have withheld or delayed submission of information on animal studies. In some cases, the information, if reported promptly, would have led to ending clinical trials sooner, thus preventing exposure of subjects to unacceptable risks.
Public Disclosure of Specifications.	do	do	do	This document will amend the regulations governing public disclosure of data and information on new drugs for both human and animal use, including biological products. The rule will provide explicitly for the disclosure of specifications submitted to the Agency by the manufacturer unless the specifications serve no regulatory or compliance purpose, are exempt as trade secrets, and have not previously been publicly disclosed.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Requirements for Pediatric Drug Studies.	NPRM	do	do	This document will propose rules under which future new drug applications would be required to contain either the results of studies concerning the safety and effectiveness of the drug in children, or adequate information to permit FDA to waive the submission of study results. This action is necessary to assure that drugs administered to children have been shown to be safe and effective for that use.
Subject Followup Regulations.	NPRM	do	do	This document will require sponsors to maintain a list of names and addresses of subjects who participate in investigational studies to provide a means of contacting the subjects in the event followup is undertaken.
Large Volume Parenteral Drug Products in Plastic Containers.	Final	do	do	This document will require compatibility studies of each large volume parenteral (LVP) drug product in a plastic container with several other drugs that are commonly added to the LVP. Until the studies are completed and the data evaluated, a warning about the possible incompatibility of added drugs and the LVP drug products packaged in plastic will be required in the label and in all labeling of the LVP drug products. Two years are provided for completion of the studies and submission of a final report. The document represents the second time FDA has used the records and reports requirement of the new drug provisions of the statute to require preapproval-type studies of approved new drugs.
Submission of Detailed Reports on Preclinical Animal Studies.	NPRM	do	do	This document will propose to amend the IND regulations to require sponsors of investigational new drug studies to submit a detailed report, together with a summary of the findings on preclinical studies. The proposal will include a listing of specific information that must be included in the report. The existing regulation is not precise enough to assure that the data submitted are adequate to enable FDA reviewers to conclude that it is reasonably safe to initiate clinical investigations
2-Mercaptoimidazoline	Final	do	do	The proposal resulted from FDA's recognition of a possible health hazard associated with 2-mercaptoimidazoline because data have been shown that the substance may form ethylenethiourea, a known carcinogen. This document would prohibit the use of 2-mercaptoimidazoline in container closures and product delivery systems for drugs and cosmetics and in components of devices.
Inactive Ingredients in OTC Drugs.	do	do	do	This document will define identifiable functions that an inactive ingredient must perform to be regarded as appropriate for use in OTC drug products and will require that if one or more inactive ingredients are voluntarily declared in the labeling then all inactive ingredients must be declared and must appear in a prescribed format.
OTC Category III "Wrapup".	Notice	do	do	This notice will announce the Agency's position on all data and petitions submitted in response to the Category III ingredients and labeling claims contained in the final monograph for OTC antacids. This document is necessary to complete the antacid review.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Misleading Brand Names	NPRM	do	do	This document would specify criteria under which the brand name of a drug is misleading and, thus, misbrands the drug under section 502 of the Act. It would also define the circumstances under which the continued use of a brand name for a reformulated or relabeled drug product would misbrand the drug. The proposal has particular applicability to drug products reformulated or relabeled under the DESI or OTC reviews. A proposal on this subject was published on March 27, 1974. Because of the length of time since the proposal was published and the significant changes make in the approach to the regulation, the Bureau intends to withdraw the 1974 proposal and publish a revised proposal that replies to the comments received on the 1974 proposal.
OTC Labeling Standards	NPRM	do	do	This document will propose to establish standards for OTC labeling. It will, among other things, set priorities for placement of required information on labels and in labeling, establish a format for the direction for use and warnings, limit space used for unrequired information, and set type-size requirements.
Advertising Regulations for Prescription Drug Products.	NPRM	do	do	This document proposes to revise the present regulations to provide clear requirements for modern advertising techniques and to clarify and establish additional requirements for promotional labeling.
Policy on Patient Labeling for Prescription Drugs.	NPRM	do	do	This document will propose the Agency's overall policy on patient labeling for prescription drugs. It will contain minimum general requirements for the content, printing specifications, and distribution of labeling and will provide for the availability of guideline labeling to meet the proposed requirements.
Umbrella Good Manufacturing Practices.	Proposal	Mr. Robert Lake, Bureau of Foods (HFF-302), 200 C Street SW., Washington, D.C. 20204, 202-245-1254.	do	This proposal will update and expand the Umbrella GMPs.
Golana; Identity to Provide for Standardization of a Food Made in Semblance of Cheese or Cheese Products.	do	do	do	This proposal establishes standards of identity for cheese substitutes.
Smoked Fish GMP	do	do	do	This proposal will be a proposal to revise the good manufacturing practices regulation for the smoked fish industry.
Emergency Permit Controls for Pickled, Fermented, and Acidified Foods; Low Acid Food GMP; Fermented Foods GMP.	Final regulation	do	do	This final regulation will ensure safe manufacturing, processing, and packing procedures for pickled, fermented, and acidified foods. It will also establish and revise the specific current food manufacturing processes for fermented and low-acid foods respectively.
Standard of Identity of Concentrated Tomato Juice.	do	do	do	This regulation will establish a standard of identity for concentrated tomato juice.
Frozen Strawberries Minimum Strawberry Content and Percentage Labeling of Sirup and Dry Sweetener Packs.	do	do	do	This proposal will establish a minimum strawberry content and percentage labeling of sirup and dry sweetener packs for frozen strawberries.
Quick Frozen Shrimp or Prawns: Recommended International Standard.	Proposal	do	do	We plan to draft standards for quick frozen shrimp which will not provide for the use of phosphates as optional ingredients. Frozen shrimp processors presently add phosphates for the stated purpose of reducing drip loss on thawing, however, FDA has maintained that such use also serves to bind excess water.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Quick Frozen Raspberries: Recommended International Standard.	do	do	do	These proposed standards of identity and quality for frozen raspberries will specify a minimum percent fruit content and will require declaration of the percent fruit present as part of the name of the food. Frozen raspberries presently in the marketplace vary considerably in the ratio of fruit to sugar used.
Frozen Peaches: Recommended International Standard.	Final regulation	do	do	These proposed standards of identity and quality being drafted for frozen peaches will specify a minimum percent fruit content and will require declaration of the percent fruit present as part of the name of the food. Frozen peaches presently in the marketplace vary considerably in the ratio of fruit to sugar used.
Orange Juice with Preservatives Identity.	do	do	do	This final regulation will amend the standard of identity for orange juice with preservatives and concentrated orange juice with preservatives.
Solid Contents Statement on Canned Fruit and Vegetable Products.	do	do	do	This final regulation provides an alternative to drained weight labeling by proposing filled weight labeling requirements.
Hair Dyes Containing Animal Carcinogen 2, 4TDA.	Proposal	do	do	This document proposes a warning statement on the label of hair dyes containing animal carcinogen 2, 4TDA if the National Cancer Institute's report confirms that it is a carcinogen.
Bubble Bath Products Warnings.	Final regulation	do	do	On January 28, 1977, a notice was published proposing a required caution statement on labels of cosmetic bubble bath products. The caution statement was proposed in light of many consumer complaints of rashes and genito-urinary tract infections which are believed to be primarily due to continued use after injury occurs. The term "bubble bath product" is defined for the purpose of the regulation.
Hair Dyes Containing Animal Carcinogen 4MMPD.	do	do	do	This final regulation will require a warning statement on the label of hair dyes containing animal carcinogen 4MMPD.
CTFA Cosmetic Ingredient Dictionary.	do	do	do	This final regulation will finalize recognition of the CTFA (Cosmetic, Toiletry and Fragrance Association, Inc.) Cosmetic Ingredient Dictionary, Second Ed., 1976, as petitioned by the CTFA, as a new source of ingredient names adopted for use in cosmetic ingredient labeling. Thirty-four names of ingredients were deleted from the originally proposed regulation for reasons of insufficient disclosure of information. On the initiative of the Commissioner, the document also lists several supplements and new editions of other currently recognized compendia which are proposed for adoption.
Preservation of Cosmetics Coming in Contact with.	Proposal	do	do	The Agency has received several reports of corneal ulceration resulting from microbial contamination under normal use conditions of inadequately preserved mascaras. A Notice of Intent to propose regulations requiring such preservation was published on October 11, 1977 (42 FR 54837). The public has been requested to submit information regarding microbiological testing methods and standards of performance which assure that such cosmetics do not become contaminated with microorganisms during use by consumers. Publication of the proposed regulation will depend on the availability of satisfactory testing methods and standards.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Labeling of Sodium and Potassium Content of Foods.	do	do	do	This proposal will be an amendment of Section 105.69 ("foods used to regulate sodium—and potassium—intake") to change the present mode of declaring sodium content and to add a description of how potassium content is also to be declared. There shall also be a new paragraph in Section 101.17 ("Food labeling warning statements") to provide for warnings regarding potassium content on labels of some salt substitutes.
Nutritional Quality Guideline for Fruit or Vegetable Type Beverage Products Requiring Vitamin C.	Final regulation	do	do	This final regulation will establish NOG for fruit or vegetable beverage products containing Vitamin C.
General Principles for the Addition of Nutrients to Food.	Notice	do	do	This notice will establish a Food and Drug Administration policy concerning the nutrient fortification of food. This policy is expressed as a series of principles which manufacturers are urged to follow if they elect to add nutrients to a particular food or class of foods.
Label Statements Relating to Infant Foods.	Final regulation	do	do	This final regulation requests percentage declaration of ingredients of infant foods. Considerable opposition is expected from industry with regard to the extent of the requirements for percentage labeling of ingredients.
U.S. Recommended Daily Allowance for Manganese.	Proposal	do	do	This proposal shall simply be an addition to the list of U.S. RDA's in Section 101.9(c)(7)(iv) and Section 105.3(b)(1), CFR.
Revision of Nutrient Specifications for Infant Formulas.	do	do	do	This proposal will be an amendment of Section 105.65 CFR ("Infant Foods") to accommodate some changes recommended by the American Academy of Pediatrics in the "standards for (infant) formulas." In this proposal we shall also handle the issue of other nutrients for nutritional adjuncts (e.g., inositol) which are appropriate for addition to infant formulas (and, incidentally, medical foods).
Specifications for Acceptable Bioavailability of Iron and other nutrients.	do	do	do	The intention of this proposal is to discriminate between acceptable and unacceptable nutrient source compounds or naturally occurring substances on the basis of the nutrient's ability to be absorbed and biologically untilized as a nutrient. Initial action will be to describe the appropriate degree of bioavailability for iron which is to be added to food and the method to determine its bioavailability separately or from a specific food system.
Upper Limits of Safe Use for Nutritionally Essential Minerals.	do	do	do	It is our intention to establish through this proposal, upper levels for safe addition of nutritionally essential minerals to foods. Examples of these minerals are chromium, manganese, molybdenum, nickel, selenium, tin, vanadium, copper and zinc. Safety is partly predicated on the nature of the chemical compound which is the vehicle for the respective mineral. Each can be toxic at amounts which may be used in some foods especially dietary supplements. Unlimited addition of these substances to foods could lead to chronic toxicity.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Formulated Food Products Used Under Medical Supervision.	do	do	do	It is our intention through this proposal to formally classify these formulated food products as "foods for special dietary use" in Part 105, to provide mandatory as well as optional (but desirable) information in the labeling. This regulation might be designed along the lines of Section 105.65 FR ("Infant foods") although a companion regulation in Subpart C (now "reserved") may be important to describe some special features about the composition and professional literature which would be unique for this class of product. Subpart C might then be titled "Guidelines for quality and labeling.
Upper Limits Generally Recognized As Safe for Vitamins A and D.	do	do	do	It is our intention to establish through this proposal upper levels for safe addition of Vitamins A and D to foods. These nutrients can be toxic substances at amounts not uncommonly used in some foods, especially dietary supplements.
Use of Sodium Nitrite in Smoked Fish & Sodium Nitrate in Home Curing Pre-mixes.	do	do	do	Two documents are being prepared for this issue: (1) a notice of withdrawal of the November 3, 1972 proposal to eliminate certain uses of nitrates and nitrites, and (2) a new proposal to revoke the use of nitrates and nitrites in smoked fish and pet food and to interim list use of sodium nitrite in smoked fish.
Proposed Regulations for Lakes (pigments).	do	do	do	In 1965 a document was published which proposed to list the lakes of the colors. Because of deficiencies in this proposal, we are currently preparing documents to revoke it and request more information on lakes which are now provisionally listed.
FD&C Red 34	do	do	do	This document proposes to delist FD&C Red 34 from the permanent list of color additives because of possible contamination by a carcinogen.
Color Certification—Procedures for Non-conforming Batches.	do	do	do	This proposal will amend the regulations for the certification of color additives to prescribe procedures for the rejection of samples submitted for certification on the basis of analytical response, when the substance causing the response is unidentified.
Lead Contamination of Food.	do	do	do	This proposal will be an advance notice of proposed rulemaking which will set out FDA's policy regarding lead contamination of food products.
Labeling of Yellow No. 5 in Foods and Cosemtics.	Final regulation	do	do	This final regulation will require the labeling of FD&C Yellow No. 5 on foods and ingested drugs containing the color because of several documented incidences of allergic-type reactions to FD&C Yellow No. 5.
Use of Food Preservative	do	do	do	This final regulation will establish an interim Food Additive level for BHT. Dr. Jacobson's petition to halt BHT will be treated as a comment on the interim proposal, and his petition denied. He may contest the establishment of this interim regulation for BHT.
Annatto Extract, Paprika Oleoresin, and Tumeric Oleoresin.				
Revocation of Use of Morpholine.	Notice	do	do	This notice will withdraw the proposal to revoke the use of morpholine.
Chloroform in Contact with Food.	proposal	do	do	This proposal will delist certain uses of chloroform in food packaging materials.
Trichloroethylene	Final regulation	do	do	This final regulation will prohibit trichloroethylene in human food because it may pose a risk of cancer.
Safety of Certain Food Ingredients: Sucrose and Corn Sugar.	Proposal	do	do	Proposals to affirm the GRAS status of sucrose and corn sugars.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
GRAS—Whey, Whey Products and Hydrogen Peroxide Used in Whey Treatments.	do	do	do	This proposal will establish common or usual names and affirm the GRAS status for whey and whey products: This is the result of 10 GRAS petitions. These dried whey products have numerous potential uses in food, including sources of milk protein and use as milk solids where not exempted by food standards. Potential competition of these products with "whole milk" food products (i.e., frozen dairy desserts) may be controversial.
Use of Chlorine Gas in an Aqueous Solution.	do	Mr. Robert Lake, Bureau of Foods (HFF-302), 200 C. St. SW., Washington, D.C. 20204, 202-245-1254.	do	This proposal will establish GRAS conditions of use for chlorine food sanitizers. This is the result of 12 GRAS petitions for uses of chlorine, hypachlorus acid, and chlorine dioxide as food sanitizing solutions. Potential controversy is expected because the use of chlorine dioxide is not included and will require further data. Some extreme uses of chlorine and hypochlorus acid will also be excluded for the same reason.
Procedural Regulations for Medical Device Colors.	do	do	do	The medical device amendments were passed in 1976. These proposed regulations for medical devices would amend the color additive regulations to provide for the issuance of regulations listing colors for use in medical devices.
Proposed Revision of Temporary Tolerances.	do	do	do	Sec. 81.25 prescribes temporary tolerances for the use of certain provisionally listed color additives pending a decision on their "permanent" listing. These were developed on the basis of early preliminary toxicity data. The proposed revision of this section would change the tolerances for most of the colors in S. 81.25.
Saccharin—Vending Machine Warning Notice.	Final regulation	do	do	This proposal will require that vending machines that dispense food containing saccharin bear a statement warning prospective purchasers of the risks to health which may be presented by the use of saccharin.
Filled Cheese—Common or Usual Name.	Proposal	do	do	This proposal will establish standards of identity for cheese substitutes.
Cholesterol-free Egg Substitute—Petition for Reconsideration.	do	do	do	The broad issue of cholesterol labeling needs to be discussed and a policy established. The issue is one that is undergoing considerable study in the Bureau. This proposal deals with the issue of the term cholesterol-free being used in the name of food products.
Liquid Protein Products Warning Statement.	Reproposal	do	do	This final regulation will set forth tentative label warning requirements for protein supplements that may be used in weight reduction or weight maintenance programs.
Proposal for Common or Usual Name for Diluted Fruit or Vegetable Juice Beverages.	Final regulation	do	do	This final regulation establishes a common or usual name for undiluted fruit or vegetable juice beverages.
Aflatoxin in Peanuts	do	do	do	This final regulation will set tolerances for aflatoxin in peanuts.
Polychlorinated Biphenyles, Proposed Reduction of Tolerance.	do	do	do	This final regulation will reduce tolerances for PCB's in various foods and feed. The comments submitted in the proposal are now being evaluated, and it appears that the proposed reduction of fish tolerance from 5 ppm to 2 ppm is highly controversial with the fishing industry and with some States.
Infant Food; Junior Food; Toddler Meal.	do	Mr. Robert Lake, Bureau of Foods, 200 C St. SW., Washington, D.C., 202-245-1254.	do	This final regulation requests percentage declaration of characterizing ingredients as part of the statement of identity. this issue should be resolved without opposition as a distinct but related matter to the label statements relating to infant foods.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Plant Protein—Common or Usual Names for Foods, Vegetable Protein Products which Resemble Substitute for Meats, Seafood, Poultry, Eggs, or Cheese.	do	do	do	This final regulation will establish common or usual names for vegetable protein products and names and definitions of nutritional equivalence for the 5 major protein foods. Some members of industry have expressed an interest in having a new proposal rather than a final regulation issue at this time. They claim that new developments dictate this as the appropriate course of action.
Filled Milk—Common or Usual Name.	Notice	do	do	This notice will terminate the filled milk proposal.
Interstate Conveyance on Board Food Service Operations.	Proposal	do	Public Health Service Act	This proposal will establish sanitation requirements for interstate conveyances carrying food in interstate commerce.
Interstate Conveyance Catering Point Sanitation.	do	do	do	This proposal will establish sanitation requirements for caterers to interstate conveyances carrying food in interstate commerce.
Lead in Baby Food	do	do	Federal Food, Drug, and Cosmetic Act.	This proposal seeks to establish action levels for lead in canned infant formulas, canned concentrated infant formulas, and canned infant juices. Some difficulty has been encountered in establishing numerical values for these action levels.
Food Labeling: Designation of Ingredients re: Nutritive Sweetners.	do	do	do	This proposal is the result of several petitions requesting some form of exemption for identification of specific sweetening ingredient. The broad issue of ingredient labeling of sweeteners in foods as it relates to health and nutrition is one designated for considerable study in the Bureau of Foods.
Common or Usual Name for Substitutes for Margarine or Butter.	Final regulation	do	do	This final regulation will identify a name like vegetable oil spread, —pct. oil. The butter industry has called attention to the FTC Act which has requirements for labeling margarine. FDA does not define the low fat products as margarine.
Tolerance for Mercury in Fish.	do	do	do	This final regulation will terminate a proposed regulation and announce the availability of action levels (administrative guidelines) according to new regulations for poisonous or deleterious substances.
Nonfunctional Slack-Fill	Proposal	do	do	This proposal will define, limit, and specify compliance measures for packaged foods with unnecessary and misleading unfilled space in the package.
Areas of principal display panel.	Final regulation	do	do	This final regulation would revise the definition for the area of the principal display panel which is used for determining type-size and other labeling requirements. It would base it on the surface available for labeling, rather than allowing the placement of labeling to determine it.
Fruit flavored spreads	do	do	do	This final regulation will establish a common or usual name regulation for fruit flavored spreads.
Premarket approval proposal.	NPRM	Mr. Joseph Mamana, Bureau of Medical Devices, 8757 Georgia Ave., Silver Spring, Md., 301-427-7114.	do	This proposed regulation will provide requirements for submission of premarket approval applications, including safety and effectiveness requirements for all class III medical devices. It will implement and amplify sec. 515 of the act. The major policy issue involved will be the confidentiality of data and appropriate procedures for publishing or making available summaries of safe and effective data.
Classification regulations of preenactment devices.	NPRM	do	do	These proposed regulations will classify into three regulatory control categories, all medical devices marked prior to May 26, 1976. The classifications are based on the work of 19 expert advisory panels. There will be at least 1 proposal per panel.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Classification procedures	Final order	do	do	This document will establish procedures and criteria for classifying and reclassifying into the 3 classes, all medical devices pursuant to sec. 513 of the act.
Performance standards procedural regulation.	NPRM	do	do	This proposed regulation prescribes the procedures by which performance standards will be established, developed, and promulgated for all class II medical devices.
Umbrella good manufacturing practices.	Final order	do	do	This document establishes mandatory and optional GMP's to be observed by medical device manufacturers pursuant to 520(f) of the act.
Product listing	do	do	do	This final order will require registered medical device firms to list their products and give basic information concerning the specific products to FDA.
Banned device regulation	do	do	do	This final order will provide procedures that FDA can use in banning a medical device that presents a substantial deception or an unreasonable and/or substantial risk of illness or injury.
Investigational device exemptions.	do	do	do	This tentative final order which in effect is a reproposal, provides requirements for conducting clinical studies and investigations of medical devices used with human subjects.
Administrative restraint	do	do	do	This document establishes procedures for implementing 304(g) of the act. It provides for 20–30 d administrative detention of medical devices suspected of being adulterated or misbranded.
Recommendations Concerning Mammography Screening.	NOI	Mr. Marshall Little, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3429.	Public Health Service Act	Mammography screening of the general population of asymptomatic women has been recommended by various organizations including the American Cancer Society and the American College of Radiology. Because of the potential cancer risks, NIH recently convened an expert committee to review these issues and to develop guidelines for the mammography screening projects being supported by NCI. A Notice of Intent will be published which will seek to obtain information and opinion concerning such questions as the population to be screened, the usefulness of a base-line mammogram, etc. Interim guidelines will also be proposed as part of the Notice. These will be based primarily on the recommendations made by the NIH expert committee.
Diagnostic Ultrasound	NOI	do	do	Diagnostic ultrasound equipment is being used widely with little evidence of the degree to which human exposure levels may be harmful, especially to the developing fetus. This notice will announce the potential development of standards and/or recommendations related to the manufacture and use of these devices. The guidance, which is included in the notice, will encourage manufacturers to employ the lowest power levels practicable and will caution against unnecessary exposure to patients and others.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Nuclear Medicine Quality Assurance of Scintillation Cameras.	NOI	do	do	Quality assurance procedures, which include quality control procedures, are needed broadly in nuclear medicine to assure maximum benefit from nuclear medical techniques, consistent with obtaining high quality images at minimum cost and minimum radiation dose to the patient. Voluntary recommendations, to be based on BRH technical reports, will be developed in cooperation with representatives of professional, public and private groups that have an interest and knowledge in the field. These recommendations, therefore, would represent a consensus of expert opinion upon which individual practitioners and allied health personnel can rely and would be implemented through educational programs and cooperative activities with professional organizations and State health agencies.
Recommendations for Diagnostic Examinations.	NOI	do	do	There exists a considerable range in the entrance skin exposure and the resulting organ doses for the same X-ray procedure conducted at different medical facilities and often within the same facility. Radiation exposure recommendations are being investigated that will permit radiologists, radiation protection personnel, and others to evaluate exposure values used in a given facility. Following the analysis of the comments generated by the Notice of Intent, a program decision will be made as to the course of action the Bureau will pursue.
Recommendation for Routine Chest X-ray Screening for Cardiopulmonary Disease.	do	do	do	The Bureau is evaluating the use of chest X-ray examinations as part of routine screening programs in the detection of cardiopulmonary disease. Numerous studies have shown that routine chest X-ray screening of asymptomatic persons for certain types of pathology is neither efficacious nor cost effective. The Bureau has prepared a preliminary analysis report evaluating the impact of the Department's 1972 Policy Statement on Routine Chest X-ray Screening.
National Standards for Medical Radiation Technologists.	do	do	do	This Notice of Intent will be published to announce that the Bureau of Radiological Health will be establishing recommended qualifications for medical radiation technologists. The Notice will solicit professional and public input about existing practices of credentialing, the need for uniform national standards, and possible approaches for ensuring that all medical radiation technologists demonstrate a certain level of competence in conducting medical radiation examinations.
Phototherapy Recommendations.	do	do	do	In this Notice, FDA is announcing that radiation safety guidelines are to be developed and proposed for equipment used as a radiation source (in combination with the drug, psoralen) in the photochemotherapy of psoriasis. Psoriasis is a disfiguring, often incapacitating, disease of the skin that affects 1 to 3 pct. of the world's population. Derivatives of the drug psoralen are currently being used, along with an ultraviolet radiation source, to treat this disease.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Recommendation Advocating Use of Improved X-ray Intensifying Screens.	do	do	do	Recent advances in the manufacture of X-ray intensifying screens offer the opportunity for significant reductions in X-ray exposure to patients for many radiological examinations. The new generation of phosphor materials could enable the performance of many radiological examinations with exposure reductions of one-half or more over previous imaging systems without loss of image quality. It is proposed to develop an FDA radiation protection recommendation designed to encourage rapid adoption of these imaging systems. Such a recommendation, supplemented by performance data on the new intensifying screens, could provide the incentive for facilities to use these newer imaging systems sooner than otherwise would occur.
Recommendation for Utilization of Skull Radiography Following Trauma.	do	do	do	Literature and several clinical studies support the contention that the number of X-ray examinations of the skull for trauma could be reduced by as much as 40 pct. without adversely affecting the quality of health care. The Bureau has prepared a preliminary analysis of the use of skull radiography following trauma, and is supporting a study to survey several clinical facilities to more adequately define the problem. Data from this study will lead to the development of questions and concepts for recommendations which are expected to be published in a Notice of Intent. Following analysis of the comments generated by the Notice, the program will be reviewed and a decision made concerning its future.
Advisory Opinions and Recodification.	Final order	do	do	These amendments will codify various interpretations and advisory opinions under which the Bureau currently operates. In addition, the section on assembly and reassembly of diagnostic X-ray systems and components will be moved from S100.16 to S1020.30(p) in order in incorporate the provisions into the body of the standard.
Recommendations for State and Local Agencies Concerning Accidental Radioactive Contamination of Human Food and Animal Feeds.	NPRM	do	do	The proposed recommendation would consist of Protective Action Guides (PAGs), defined as the projected radiological dose equivalent or dose commitment in individuals in the general population that warrants protective action following a release of radioactive material. The Department of Health, Education, and Welfare was assigned agency responsibility for this task in the FEDERAL REGISTER of December 24, 1975 (40 FR 59494) by the Federal Preparedness Agency, General Services Administration. Within HEW, this function has been delegated to the Commissioner of Food and Drugs.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Regulatory Standard for Mercury Vapor Lamps.	Final order	do	do	This Agency has decided to develop a regulatory product safety standard for high intensity mercury vapor discharge lamps. A potential radiation hazard associated with the use of such lamps occurs when the outer bulb of the lamp is broken while the inner arc tube of the lamp continues to operate. This results in the emission of hazardous short wavelength ultraviolet radiation. The injury reports received by this Agency further indicate an acute radiation hazard from broken mercury vapor lamps. The standard is intended to reduce the possibility of such injuries by requiring that some performance safety feature be incorporated into the lamp for general lighting purposes so that the lamp will cease operation within a short period of time following the breakage of the outer envelope. Lamps without such a safety feature shall be limited to restricted uses only. Further, adequate information for the safe use of both types of lamps is also required to be provided to the user.
Amendments to the Performance Standard for Laser Products.	NPRM	do	do	Administration of the laser standard since it became effective on August 2, 1976, indicates that some provisions of the standard may need to be clarified. These changes would reduce, in most cases, the burden on affected manufacturers without compromising the public health. Changes would be made in the measurement provisions, more flexibility would be permitted in labeling, and allowance would be made for the unlikelihood of a potentially dangerous eye exposure to low-level stationary and rapidly scanning laser radiation.
Regulatory Standard for Microwave Diathermy.	NPRM	do	do	The purpose of this standard is to provide general requirements for microwave diathermy products to assure that to the extent that safety and performance can be controlled, microwave diathermy products are effective for their intended use, and the risk of injury to patient and attending personnel is minimized. The proposed standard includes provisions on minimum microwave radiation output to achieve therapeutic heating, limits on microwave leakage, product interlocks and controls, product performance, labeling, warnings and user instructions, and test requirements.
Recommendation for X-ray Exposure of Women of Childbearing Age.	NPRM	do	do	The guideline to be proposed will address and explain three particular points in an effort to reduce this risk. It will advise physicians: (a) To ascertain whether their female patients are or could be pregnant, prior to ordering abdominal radiological examinations; (b) to utilize modified or limited studies when possible for female patients who are likely to be or who are definitely pregnant, as a means of reducing fetal exposure; and (c) to use alternative procedures for radiological examinations when appropriate.
Recommendation for Quality Assurance Programs in Diagnostic Radiology Facilities.	NPRM	do	do	The purpose of this publication is to encourage diagnostic radiology facilities to establish their own quality assurance programs with the goals of improving diagnostic image quality and reducing unnecessary patient radiation exposure. The recommendation will also suggest elements which should be included in such programs.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Amendments to the Diagnostic X-ray Equipment Standard.	NPRM	do	do	Certain of these amendments will codify various interpretations and advisory opinions under which the Bureau currently operates or will clarify the Bureau's intent concerning provisions of the standard. Other amendments concerning spot-film and fluoroscopic X-ray field limitation were proposed in a June 11, 1975, FEDERAL REGISTER Notice of proposed rulemaking (40 FR 24909). As a result of comments received, these latter amendments were withdrawn for further study and are now being reproposed in a modified form.
Amendments to Diagnostic X-ray Standard Beam Limitation.	NPRM	do	do	These amendments to the diagnostic X-ray standard would revise and simplify the requirements for Positive Beam Limitation (PBL) contained in S 1020.31(e)(2). In addition, provisions for overriding automatic X-ray field adjustment systems on fluoroscopic X-ray equipment will be addressed and a warning label required. The changes in the PBL requirements would allow more flexibility in the conditions under which PBL is required, and should promote more upgrading of old equipment.
Recommendations or Regulations for Radiation Therapy Equipment.	Notice	do	do	The Notice announces the possibility of future FDA actions in the form of regulatory standards and/or recommendations related to ionizing radiation therapy equipment used primarily in the treatment of cancer. Approximately half of all new cancer patients receive ionizing radiation therapy during the course of their treatment. Problems associated with accurate dose delivery, during therapy, are related to both equipment and personnel inadequacies.
Beam Quality Amendment for Dental X-ray Systems.	NPRM	do	do	The beam quality amendment for dental X-ray systems is needed to reduce patient exposure resulting from the use of low kilovoltage dental X-ray systems.
Amendments to the Diagnostic X-Ray Standard tomographic Systems.	NPRM	do	do	Computerized tomographic (CT) x-ray systems are diagnostic x-ray systems which represent a major new technical break-through, not available when the standard was issued. Although some provisions of the standard are appropriate for CT systems, it is recognized that other requirements may not be appropriate for such complex equipment, and that additional requirements may be necessary to assure adequate public health protection.
Nuclear Medicine Evaluation of Diseases of Thyroid Gland Recommendations.	NPRM	do	do	Over the past 20 yrs, increased attention has been drawn to the association between ionizing radiation and the development of nodules and cancer of the thyroid gland. The Bureau is proposing guidance on the need to formulate voluntary recommendations to encourage techniques in nuclear medicine which lower or eliminate patient radiation dose in thyroid studies, without compromising clinical information.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Suggested State Regulations.	Notice of availability.	do	do	State radiation control problems are essential to effective national radiation protection because they provide protection in areas where Federal agencies have no jurisdiction. The Suggested State Regulations for control of radiation was first prepared in 1962 and is periodically updated. A model code, offered through this notice, assists the States in developing their regulation and encourages uniform regulations among States to complement Federal regulations (e.g., in areas beyond certain Federal regulatory authority as in the user area). This is a cooperative project of the Conference of Radiation Control program. Directors (representing the State and Local agencies), FDA, and other Federal agencies with responsibilities in radiation control (including the Nuclear Regulatory Commission and the Environmental Protection Agency).
Regulatory Standard for Sunlamps.	Final order	do	do	This standard, under development since 1975, is intended to allow continued use of a sunlamp product and yet to minimize the danger of injury. This purpose is achieved through the provisions of safety performance criteria in the standard including the limitation of shorter wavelength emissions, more adequate warnings, requirement of special lamp base and a timer to control the duration of the exposure.
Emergency Radiation Dose Limits to Health and Safety of Ambulance Services, Hospital and Other Health Care Personnel.	NOI	do	do	Interagency responsibilities for Radiological Incident Emergency Response Planning, Fixed Facilities and Transportation Accidents published in the FEDERAL REGISTER (FR 59191) stated that HEW is responsible for issuance of guidance on emergency radiation doses related to health and safety of ambulance services, hospital and other health care personnel, in cooperation with EPA. The guidance will establish dose limits for emergency medical personnel for planned and unplanned lifesaving actions during the transportation and treatment of persons contaminated with radioactivity. Recommendations will be based on a review of national and international standards relevant to this matter. They will be consistent with present radiation risk and effects information and based on the principle of avoiding unnecessary radiation exposure when possible and that any radiation exposure should be balanced by commensurate benefit.
Quality Assurance Recommendations in Dental Radiography.	NOI	do	do	The purpose of this project is to consider measures to correct the problem of overexposure and underdevelopment in intraoral dental radiography. This project will result in recommendations (and educational programs to implement those recommendations) which will help alleviate the problem.
Recommendations for Post-Treatment Dental Radiographs.	NPRM	do	do	A practice which appears to be on the increase is the requirement for post-treatment dental radiographs by third party carriers as evidence of dental treatment. Proper justification for the application of radiation to humans requires that there be some potential benefit to the individual receiving the examination. Post-treatment radiographs, however, are not always needed for patient management. It is likely that this project will culminate in recommendations stating that post-treatment radiographs should not be taken merely as evidence of treatment.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Recommendations on Radioluminous Timepieces.	NPRM	do	do	Over the past several decades, radium has been used extensively as the luminizing activator in the paint used on the hands and dials of timepieces available to the consumer public. More recently, tritium and promethium-147 have also come into use for this purpose. Radium constitutes a source of unnecessary radiation exposure that could be significantly reduced or avoided by the use of radionuclides emitting lower energy radiations. The proposed recommendations are directed to the State's radiation control program directors and include the efficacy of the luminescence, the occupational exposure parameters, the does commitment to the individual and population, alternatives to the use of radium, and radiation warning labeling. Because of the responsibilities of other Federal agencies in this area, involvement in the review and development of these recommendations would also include the Nuclear Regulatory Commission, Consumer Product Safety Commission, U.S. Customs, and the Department of Transportation.
Sterility of Pyrogenicity of Animal Drugs.	NPRM	Mr. Robert Brigham, Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6243.	Federal Food, Drug, and Cosmetic Act.	This proposal will amend the current good manufacturing practice regulations in order to establish the necessity for the sterility and nonpyrogenicity of certain animal drugs.
4-D Meat in the Feed and Food of Livestock and Pets.	NPRM	do	do	This proposal will recognize the long-standing practice regarding the use of 4-D meat products (dead, dying, downed, or diseased) as ingredients of livestock and pet food. The products are considered not suitable for human consumption. Pet food labeling will be required to identify such source ingredients.
Diversion of Human Food to Animal Feed.	NPRM	do	do	This proposal will establish criteria and procedures to be followed when an affected party wishes to divert to animal feed, food which is found unsuitable for human consumption.
Prohibited Substances; Deodorizer Distillate.	Final	do	do	This final regulation will prohibit the use of deodorizer distillates.
Vitamin K in Animal Feeds.	do	do	do	This final regulation will finalize the food additive status for vitamin K in animal feeds.
Copper in Animal Feeds	do	do	do	Based upon environmental considerations and residues in tissues this final regulation will limit the use of copper in animal feed.
Drug Carryover in Animal Feeds.	NPRM	do	do	This proposal will set forth safe levels of animal drug cross contaminants resulting from the manufacture of medicated feeds. The document will define the term "unsafe" contamination as used in the regulations regarding current good manufacturing practices for animal feeds.
Animal Drugs in Minor Species.	NPRM	do	do	This proposal will modify the safety and effectiveness requirements for minor species of animals so as to permit the approval of animal drugs in species for which there is little demand and thus little or no economic value to drug manufacturers.
Good Laboratory Practices Regulations.	Final	do	do	This final regulation will establish criteria for good laboratory practices in nonclinical laboratory facilities.
Refusal to Approve an Application.	do	do	do	This final regulation updates two regulations, S. 514.111, regarding adequate and well controlled investigations of animal drugs.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Administrative Procedures; Revision of Requirements for Appearance and Hearing, etc.	NPRM	do	do	This proposal will revise the new animal drug regulations to make them consistent with human drug regulations concerning the content of notices of opportunity for a hearing and the circumstances under which a notice of opportunity for hearing will be granted or denied. It also proposes clarifications and amendments pertaining to the data necessary to demonstrate safety and effectiveness of new animal drugs.

IV. EXISTING REGULATIONS CURRENTLY UNDERGOING REVIEW AND REVISION WITHIN THE DEPARTMENT

DEPARTMENT REGULATIONS				
1. State plan procedural rules for the Medicaid, Child Support Enforcement, Title XX Social Services programs, as well as social services and financial assistance under Titles I, IV-A, X, XIV, and XVI (AABD) of the Social Security Act. (45 CFR Parts 201 and 213; 45 CFR §§ 204.1, 204.2, 205.5(b).).	NPRM	Ms. Jacqueline Porter, Room 3111 West High Rise, Social Security Administration, Baltimore, Md. 21235, 301-594-6639.	Titles I, IV-A, IV-D, X, XIV, XVI (AABD), XIX, and XX of the Social Security Act.	These regulations cover State plan processing requirements for providing medical assistance, social services, enforcement of child support, and financial assistance under the Social Security Act. They cover how to submit or amend a State plan; how a claim for Federal funds is allowed deferred or disallowed; what kinds of Federal reviews are conducted; and various State appeals from Federal decisions.
Sterilizations Regulations	NPRM	For the Public Health Service: Marilyn L. Martin, Room 722H, Hubert Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201. For the Health Care Financing Administration: Emily J. Nichols, Room 4513, Switzer Bldg. 330 C St. SW., Washington, D.C. 20201, 245-0701.	Programs under titles I, IV-A, V, X, XIV, XVI (AABD), XIX, and XX of the Social Security Act; titles III and X of the Public Health Service Act; and sec. 205 of Pub. L. 94-63, 42 U.S.C. 300a-8.	These regulations propose new rules and revise existing rules governing Federal financial participation in sterilizations funded through various departmental programs. (Three agencies within the Department are responsible for administering programs under which sterilizations are performed—Medicaid Bureau of the Health Care Financing Administration, the Public Health Service and the Administration for Public Services of the Office of Human Development Services.
PUBLIC HEALTH SERVICE				
1. PHS Grants Regulations	NPRM	Mr. Richard Cummings, Public Health Service, Room 1725, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., 443-6397.	The Public Health Service Act.	These regulations contain provisions for the award of grants under various PHS programs. The Public Health Service is now exploring ways to consolidate all its grants regulations.
(a) Part 51—Grants to States for Comprehensive health planning and public health services, Subpart B.	NPRM	do	do	Do.
(b) Part 51a—Grants for maternal and child health and crippled children services.	NPRM	do	do	Do.
(c) Part 51b—Grants for Communicable Disease Control.	NPRM	do	do	Do.
(d) Part 51c—Project Grants for Health Services development.	NPRM	do	do	Do.
(e) Part 51d—Grants for service projects for genetic and other diseases.	NPRM	do	do	Do.
(f) Part 51e—Grants for home health services.	NPRM	do	do	Do.

IV. EXISTING REGULATIONS CURRENTLY UNDERGOING REVIEW AND REVISION WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
PUBLIC HEALTH SERVICE—Continued				
(g) Part 52—Grants for research projects.	NPRM	do	do	Do.
(h) Part 52a—National Heart and Lung Institute Grants for National Research and Demonstration Centers.	NPRM	do	do	Do.
(i) Part 52b—National Cancer Institute Construction Grants.	NPRM	do	do	Do.
(j) Part 52c—Minority Biomedical support program.	NPRM	do	do	Do.
(k) Part 52d—National Cancer Institute clinical cancer education programMinority Biomedical support program.	NPRM	do	do	Do.
(l) Part 52e—National Heart and Lung Institute.	NPRM	do	do	Do.
(m) Part 53—Grants, loans and loan grantees or construction and modernization of hospitals and medical facilities.	NPRM	do	do	Do.
(n) Part 54—Grants for community mental health centers.	NPRM	do	do	Do.
(o) Part 54a—Grants to States for drug abuse and alcoholism prevention, treatment, and rehabilitation services.	NPRM	do	do	Do.
(p) Part 54b—Grants to States for drug abuse prevention functions.	NPRM	do	do	Do.
(q) Part 55—Grants for advancement of health in coal mining.	NPRM	do	do	Do.
(r) Part 55a—Program grants for coal miners' respiratory clinics.	NPRM	do	do	Do.
(s) Part 56—Grants for emergency medical services systems.	NPRM	do	do	Do.
(t) Part 56a—Grants for emergency medical services systems.	NPRM	do	do	Do.
(u) Part 57—Grants for construction of health research facilities (including mental retardation research facilities), teaching facilities, student loans, education improvement and scholarships, Subparts A-G, I-J, K, M, O-P. R-X and BB.	NPRM	do	do	Do.
(v) Part 59—Grants for family planning services.	NPRM	do	do	Do.

IV. EXISTING REGULATIONS CURRENTLY UNDERGOING REVIEW AND REVISION WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
OFFICE OF EDUCATION—Continued				
(w) Part 59a—National Library of Medicine grants.	NPRM	do	do	Do.
HEALTH CARE FINANCING ADMINISTRATION				
Medicaid Program	Final with a comment period.	Mr. Paul R. Willging, Acting Director, Medicaid Bureau, Room 4094, Switzer Bldg., Health Care Financing Administration, 330 C St. SW., Washington, D.C. 20201, 245-0128.	Title XIX of the Social Security Act.	These regulations implement title XIX of the Social Security Act. Title XIX provides for medical assistance to certain categories of low income people.
OFFICE OF EDUCATION				
1. Title III—Strengthening Developing Institutions.	NPRM	Dr. Anita Allen, Room 3058 ROB-3, 7th and D Sts. SW., Washington, D.C. 20202, 245-9754.	Sec. 301-306 of title III of the Higher Education Act of 1965, as amended.	Under the authority of title III of Higher Education of 1965, the Commissioner assists certain institutions of higher education to strengthen their academic quality and administrative capacity. These institutions are called developing institutions.
2. General Provisions for Education Programs.	NPRM	Mr. Richard G. Bull, Room 5082, ROB-3, 7th and D Sts. SW., Washington, D.C. 20202, 245-8882.	Not applicable	These regulations contain general administrative and fiscal requirements for direct project grants, contracts, and State-administered programs. Their revision is related to the Department's general regulations for the administration of grants.
3. Pt. 147—Procedures and criteria for resolving questions involving moral character or loyalty of applicants for holders of NDEA fellowships.	NPRM	Dr. Richard T. Thompson, Room 3923, ROB-3, 7th and D Sts. SW., 20202, 245-2356.	Title VI and Sec. 1001 of the National Defense Education Act of 1958, as amended.	These regulations govern procedures and criteria for resolving issues concerning the award or continuation of a fellowship to persons whose moral character or loyalty has been questioned.
4. Pt. 177—Guaranteed Student Loan Regulation.	NPRM	Mrs. Patricia Hopson, Room 4642, ROB-3, 400 Maryland Ave. SW., Washington, D.C. 20202, 472-3390.	Pub. L. 95-43 (amendments).	These regulations contain requirements for both loan guarantee programs of State and nonprofit agencies and the Federal insured student loan program.
5. Basic Educational Opportunity Grant Regulations.	NPRM	Mr. William Moran, Room 4923, ROB-3, 400 Maryland Ave. SW., Washington, D.C. 20202, 245-1744.	Title IV of the Higher Education Act of 1965, as amended.	These regulations contain technical amendments to define more clearly the administration of the program and to implement the requirements mandated by the Education Amendments of 1976.
6. Health Education Assistance Loan Regulations.	NPRM	Mr. David C. Bayer, Room 4642, ROB-3, 400 Maryland Ave. SW., Washington, D.C. 20202, 472-2765.	Health Profession Educational Assistance Act of 1976.	These regulations govern a Federal program of insured loans to graduate students in health professions schools.
HUMAN DEVELOPMENT SERVICES				
1. Runaway Youth Regulations.	NPRM	Mrs. Patricia Jefferson, 330 Independence Ave. SW., Washington, D.C. 20201, 245-2862.	Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.	This program makes grants to local, private, nonprofit agencies, and some State umbrella agencies to provide temporary shelter, counseling, after-care, and other services to runaway and other homeless youth and their families.
2. Federal Interagency Day Care Requirements Regulations.	NPRM	Dr. Bruce Preston, Jr., Administrator for CYP, HEW, P.O. Box 1182, Washington, D.C. 20013, 755-7430.	Sec. 577(b) of the Community Services Act of 1974 and sec. 2002(a)(9)(B) of title XX of the Social Security Act.	These regulations establish day care standards which will apply to day care services provided under title XX, IV-B, IV-A, and IV-A/WIN programs. They also establish administrative provisions to carry out the new standards.

IV. EXISTING REGULATIONS CURRENTLY UNDERGOING REVIEW AND REVISION WITHIN THE DEPARTMENT – Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
HUMAN DEVELOPMENT SERVICES—Continued				
3. Fair Hearing Regulations.	NPRM	Mrs. Johnnie Brooks, Administrator for Public Services, P.O. Box 1923, Washington, D.C. 20013, 245-9415.	42 U.S.C. 1302	These regulations provide procedures for hearings for persons who are denied services or benefits.
SOCIAL SECURITY ADMINISTRATION				
1. Federal Old-Age, Survivors and Disability Insurance (20 CFR pt. 404).	NPRM	Mr. Mort Landes, 4212 West High Rise Bldg., Social Security Administration, Baltimore, Md. 21235, 594-5740.	Title II of the Social Security Act, as amended.	These regulations implement title II of the Social Security Act. Title II provides benefits to retired or disabled workers, their dependents, and to surviving dependents of workers who have died. The funds to pay these benefits are provided from the Social Security trust funds.
(a) Subpt. C—Basic Computation of Benefits and Lump Sums.	NPRM	do	do	Do.
(b) Subpt. D—Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability.	NPRM	do	do	Do.
(c) Subpt. G—Filing of Applications and Other Forms.	NPRM	do	do	Do.
(d) Subpt. H—Evidence	Final	do	do	Do.
(e) Subpt. J—Procedures, Payment of Benefits, and Representation of Parties.	NPRM	do	do	Do.
(f) Subpt. P—Rights and Benefits Based on Disability.	NPRM	do	do	Do.
2. Supplemental Security Income for the Aged, Blind, and Disabled (20 CFR pt. 416).	NPRM	do	Title XVI of the Social Security Act.	These regulations implement title XVI of the Social Security Act. Title XVI provides supplemental security income benefits to aged, blind, and disabled individuals who meet certain income and resource requirements. The funds to pay these benefits come from the general revenues of the U.S. Treasury.
(a) Subpt. I—Determination of Disability or Blindness.	NPRM	do	do	Do.
(b) Subpt. K—Income and Exclusions.	NPRM	do	do	Do.
(c) Subpt. L—Resources and Exclusions.	NPRM	do	do	Do.
(d) Subpt. N—Determinations, Reconsiderations, Hearings, Appeals, and Judicial Review.	NPRM	do	do	Do.
(e) Subpt O—Representation of Parties.	NPRM	do	do	Do.
FOOD AND DRUG ADMINISTRATION				
1. Administrative Practices and Procedures Regulations (20 CFR).	NPRM for all parts.	Mr. Ronald J. Wylie, Chairman, FDA Operation Common Sense Task Force, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 443-3480.	Persons desiring specific citations statutory authority should contact Mr. Ronald J. Wylie, Administrative Procedures Act, Public Health Service Act.	These regulations govern practices and procedures applicable to all petitions, formal and informal public hearings, and other administrative proceedings and activities.
(a) Pt. 10—Administrative Practices and Procedures.	do	do	do	Do.
(b) Pt. 12—Formal Evidentiary Public Hearing.	do	do	do	Do.
(c) Pt. 13—Public Hearing before a public board of inquiry.	do	do	do	Do.

IV. EXISTING REGULATIONS CURRENTLY UNDERGOING REVIEW AND REVISION WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of developmnent	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
(d) Pt. 14—Public Hearing before a public Advisory Committee.	do	do	do	Do.
(e) Pt. 15—Public Hearing before the Commissioner.	do	do	do	Do.
(f) Pt. 16—Regulatory Hearing before the Food and Drug Administration.	do	do	do	Do.
(g) Pt. 19—Standards of Conduct and Conflicts of Interest.	do	do	do	Do.
(h) Pt. 20—Public Information.	do	do	do	Do.
(i) Pt. 21—Protection of Privacy.	do	do	do	Do.
2. Food Labeling Regulations (20 CFR pt. 101).	do	do	Persons desiring specific citations to statutory authority should contact Mr. Ronald J. Wylie, Fair Packaging and Labeling Act, Food and Drug Act.	These regulations contain a variety of key food labeling provisions, including those pertaining to imitation and substitute foods, safe and suitable ingredients, and percentage ingredient labeling.
(a) Subpt. A—General Provisions.	do	do	do	Do.
(b) Subpt. B—Specific Food Labeling Requirements.	do	do	do	Do.
OFFICE OF CHILD SUPPORT ENFORCEMENT				
1. Child Support Enforcement (45 CFR 232.20 and 45 CFR Chapter III, except for Part 305).	NOI	Ms. Suzanne Duval, Office of Child Support Enforcement, 330 C St. SW., Washington, D.C. 20201, 472-4510.	Title IV-D of the Social Security Act, as amended.	These regulations implement title IV-D of the Social Security Act. Title IV-D contains provisions for the enforcement of support obligations owed by absent parents to their children, locating parents, establishing paternity and obtaining child support.

[FR Doc. 78-14597 Filed 5-26-78; 8:45 am]

[3510-20]

DEPARTMENT OF COMMERCE

IMPROVING GOVERNMENT REGULATIONS

Response to Executive Order No. 12044

AGENCY: Department of Commerce.

ACTION: Request for public comment.

SUMMARY: The Department of Commerce is issuing this notice to obtain comments on its proposals for implementing Executive Order No. 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978) (the Executive Order). The proposals include procedures for developing new regulations; analyzing their potential effects; reviewing and reforming existing regulations; and increasing public participation in regulatory development.

DATE: Comments by July 31, 1978.

ADDRESS: Send comments to Robert T. Miki, Director, Office of Regulatory Economics and Policy, Room 7614, U.S. Department of Commerce, Washington, D.C. 20230, telephone, 202-377-2482.

FOR FURTHER INFORMATION: Call or write Robert T. Miki.

SUPPLEMENTARY INFORMATION:

I. Background.

II. Comments Requested.

I. BACKGROUND

The Executive order outlines policy for writing regulations; sets minimum procedures for developing significant regulations, including publication by agencies of a semi-annual agenda of regulations under development or review; requires close agency head oversight; calls for early and meaningful opportunities for public participation; requires careful review of the need, quality, and effectiveness of regulations being proposed; requires careful economic analysis of regulations having a major economic effect; and requires periodic review of existing regulations.

Section 5 of the Executive order requires that by May 22, 1978, each agency shall prepare a draft report briefly describing: (1) its process for developing regulations and changes that have been made to comply with the Executive order, (2) its proposed criteria for defining significant regulations, (3) its proposed criteria for identifying which regulations require regulatory analysis; and (4) its proposed criteria for selecting existing regulations for review and a list of regulations that will be considered for initial review.

A description of the organization of the Department will aid the reader in understanding the Department's plan for implementing the Executive order. The Department of Commerce is a cabinet level agency composed of the Office of the Secretary and 13 operating units: the Bureau of Economic Analysis and Bureau of the Census (which report to the Chief Economist); the National Bureau of Standards, National Technical Information Service, and Patent and Trademark Office (which report to the Assistant Secretary for Science and Technology); the National Fire Prevention and Control Administration; the Maritime Administration; the United States Travel Service; the Industry and Trade Administration; the Economic Development Administration; the National Oceanic and Atmospheric Administration; the Office of Minority Business Enterprise; and the National Telecommunications and Information Administration.

While the principal mission of the Department is to foster, promote and develop the foreign and domestic commerce of the United States, the activities of the components of the Department in furthering that mission are broad and varied in scope. The activities of operating units cover such diverse areas as: patents; assistance to minority business and economically depressed areas; tourism; fire prevention; weather, ocean, and atmospheric programs; standards development; promotion of domestic and international trade; the censuses; statistical and economic data and analyses; ship subsidies; and telecommunications policy.

Some of the operating units of the Department have a limited need for writing regulations which affect the public; others have had extensive regulatory experience. However, existing procedures did not provide the same degree of high level oversight, public participation, and economic analysis that are required by the Executive order.

Given these great differences in mission and experience, the Department determined that considerable decentralization is necessary to effectively implement the Executive Order by encouraging operating units to tailor procedures to their individual programs. Thus, although basic Department-wide standards and procedures are established, the focal point for implementation will be the head of each operating unit (usually an Assistant Secretary). This official will establish criteria called for by the Executive Order, approve the plans for developing significant regulations, approve significant regulations before final publication in the FEDERAL REGISTER and otherwise make sure that the provisions of the Executive Order and Department Administrative Orders are being followed.

At the same time, it was decided that some central oversight and control is desirable to ensure compliance with the Executive Order. The semiannual regulatory agenda process was chosen to accomplish this. The head of each operating unit will submit a semiannual agenda covering all regulations it plans to develop or review during the next six months. This submission will serve the dual purposes of: (1) Keeping the Secretary informed of operating unit activities; and (2) providing a mechanism for the Secretary to monitor agency implementation of the Executive Order and call for Secretarial approval when appropriate.

After any modifications resulting from this review process, the relevant portions of the oprating unit agendas will be combined into a Department Agenda as required by section 2 of the Executive Order. The Department Agenda will be approved by the Secretary and published in the FEDERAL REGISTER

This notice contains the following:

(1) Draft Department Administrative Order (DAO) 218-7 "Issuing Departmental Regulations." This DAO sets forth the basic Departmental Procedures and requirements that all operating units are to follow in writing regulations. It has been circulated within the Department and operating units have begun to conform existing procedures to the DAO or to establish new procedures.

(2) Draft amendment to DAO 205-11. This proposal sets forth a procedure to assure that each document published in the FEDERAL REGISTER is written in clear and simple English and is understandable to those who will be affected by it.

(3) Individual appendices for each operating unit of the Department. While the operating units are still in various stages of developing and implementing procedures for the Executive Order, they have each developed at least the draft report required by section 5. Some units, however, have developed more detailed procedures to implement the Executive Order. Rather than requiring uniform submissions meeting the minimum requirements of section 5, it was decided to publish more detailed procedures, if submitted, to give the public as complete a picture as possible of overall Departmental implementation efforts. The individual appendices attached are:

Appendix A—Assistant Secretary for Administration
Appendix B—Bureau of Census
Appendix C—Bureau of Economic Analysis
Appendix D—Economic Development Administration
Appendix E—Industry and Trade Administration
Appendix F—Maritime Administration
Appendix G—National Fire Prevention and Control Administration
Appendix H—National Oceanic and Atomspheric Administration
Appendix I—National Telecommunications and Information Administration

Appendix J—Office of Minority Business Enterprise
Appendix K—Office of Regional Economic Coordination
Appendix L—Assistant Secretary for Science and Technology (includes National Bureau of Standards, National Technical Information Service, and Patent and Trademark Office)
Appendix M—United States Travel Service

II. Comments Requested

A copy of this submission has been sent to the Office of Management and Budget for review and comment, and it is being published here for public comment. These comments will be evaluated and a revised report will be prepared. That report will be sent to the Office of Management and Budget for approval before final publication in the Federal Register. To assist the public in submitting comments, each appendix contains a name and address to which comments on that particular appendix may be addressed. Alternatively, comments on any part of the Department's draft report or the appendices may be sent to the address noted at the beginning of this preamble.

The public is invited to submit comments on any aspect of this submission. However, we particualrly invite comments on the following questions:

(1) The appropriateness and workability of the Department's proposed decentralized method of implementation. Does this procedure comply with the letter and spirit of the Executive Order? Does it make sense? Will it work?

(2) Criteria. Are they too strict? Too lenient? Do they make sense in relation to the program to which they apply? Are there any other criteria we have overlooked?

(3) Regulations scheduled for review. Has an appropriate selection been made? Which Departmental regulations should be added to the list or deleted?

(4) Public participation procedures (Section 9 of DAO 218-7). Do these procedures make sense? What other procedures could be utilized? What other procedures can be adopted to encourage public participation?

(5) Plain English (proposed amendment to DAO 205-11). Is this proposal adequate to accomplish the objectives of the Executive Order? What other procedures can be adopted to improve the quality and clarity of Departmental documents published in the Federal Register? Should the procedures apply to other documents written by the Department? If so, how?

(6) Section 4.03 of DAO 218-7. This procedure authorizes agency heads to determine that a proposed regulation is not significant, even if it meets the criteria established for determining when a regulation is significant, when the underlying legislation is so specific that no significant options for implementation are available to the agency. An example of this type of regulation is 13 CFR part 316 which implemented Round 1 of the Local Public Works Act (title I of Pub. L. 94-369, 42 U.S.C. 6701 et seq.). This provision of the DAO has already resulted in considerable internal debate as to its necessity, desirability, and potential effects. Is this provision consistent with the letter and spirit of the Executive Order? Is it necessary? Desirable? Will it create an undesirable loophole? Is its language too broad? How can it be tightened or improved?

Public comments should be sent to Robert T. Miki at the address noted at the beginning of this preamble. Comments on particular appendices may also be sent to the address listed in the relevant appendix. The Department will consider all comments received by July 24, 1978, before taking further action on these matters.

Issued in Washington, D.C., May 23, 1978.

Juanita M. Kreps,
Secretary of Commerce.

Issuing Departmental Regulations

[Draft Department Administrative Order 218-7]

SECTION 1. PURPOSE AND POLICY

.01 This order implements Executive Order 12044, of March 23, 1978, "Improving Government Regulations".

.02 It is the policy of the Department that regulations:

a. Be as simple and clear as possible;

b. Achieve legislative goals effecively and efficiently;

c. Not impose unnecessary burdens on the economy, individuals, public or private organizations, or State and local governments.

.03 To achieve these objectives, regulations shall be developed by following procedures which ensure that:

a. The need for and purpose of the regulation are clearly established;

b. Heads of agencies and policy officials exercise effective oversight;

c. Opportunity exists for early and meaningful participation and comment by other Federal agencies, State and local governments, businesses, organizations, and individual members of the public;

d. Meaningful alternatives are considered and analyzed before the regulation is issued; and

e. Compliance costs, paperwork and other burdens on the public are minimized.

SECTION 2. SCOPE

.01 This order applies to all regulations of the Department published in the Federal Register, except as provided in paragraph .02 of this section.

2. This order *does not* apply to:

a. Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. §§ 556, 557):

b. Regulations issued with respect to a military or foreign affairs function of the United States (but see section 9.06);

c. Matters related to agency management or personnel;

d. Regulations related to Federal Government procurement; or

e. Regulations that are issued in response to an emergency or which are governed by short-term (less than 91 days) statutory or judicial deadlines (but see sections 9.05 and 9.06).

.03 Sections cited in the text refer to those in this order.

SECTION 3. DEFINITIONS

.01 *Agency head.* In this order, agency head means the head of each operating unit of the Department, Secretarial Officers, and the Deputy Under Secretary for departmental offices under their jursidiction, or persons acting in those positions. The functions of the agency head may not be delegated.

.02 *Regulation(s).* In this order, regulation(s) means both rules and regulations issued by components of the Department including those which establish conditions for financial assistance. Closely related sets of regulations shall be treated as a single package.

SECTION 4. SIGNIFICANT REGULATIONS

.01 Agency heads shall establish criteria for identifying which regulations are significant.

.02 In establishing criteria for identifying significant regulations, agency heads shall consider, among other things:

a. The type and number of individuals, businesses, organizations, or State and local governments affected;

b. The compliance and reporting requirements likely to be involved;

c. The direct and indirect effects of the regulation, including the effect on competition;

d. The relationship of the regulation to those of other programs and agencies;

e. The relationship of the regulation to major Departmental policy issues; and

f. The degree of controversy over, or public interest in, the regulation.

.03 An agency head may conclude that a regulation is not significant, even if it meets the criteria established for identifying significant regulations, if the agency head determines, in writing, that the degree of discretion available to the agency is so limited by underlying legislation or executive

branch directives (e.g., Executive Orders, OMB Circulars, etc.) that no significant options for implementation are available to the agency. A copy of this determination shall be sent promptly to the Assistant Secretary for Policy, and an explanation of the determination shall be included in the preamble to the notice of proposed rulemaking.

.04 Before proceeding to develop significant regulations, the agency head shall review the issues to be considered; the alternative approaches to be explored; a tentative plan for obtaining public comment; where applicable, a tentative plan for consulting with State and local governments (see DAO 201-9); and target dates for completion of steps in the development of the regulation.

.05 Agency heads shall approve significant regulations before they are published in the FEDERAL REGISTER in final form. Before approving significant regulations, the agency head should be satisfied that:

a. The regulation is needed;

b. The direct and indirect effects of the regulation have been adequately considered;

c. Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

d. Public comments (including those from State or local or other public agencies) have been considered and an adequate response has been prepared;

e. The regulation is written clearly and as simply as possible and is understandable to those who must comply with it;

f. An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

g. The name, address, and telephone number of a knowledgeable official is included in the publication; and

h. A plan has been developed for evaluating the regulation after its issuance.

.06 Agency heads may, in their discretion, refer significant regulations which they believe to be of particular importance to the Secretary for approval.

.07 Regulations which are not significant shall be accompanied by a statement to that effect in the preamble whenever published in the FEDERAL REGISTER.

SECTION 5. REGULATORY ANALYSES

.01 A regulatory analysis shall be prepared for each significant regulation which the agency head determines to have potential major economic consequences for the general economy, for individual industries, geographic regions, levels of government, or specific elements of the population.

.02 Agency heads shall establish criteria for determining which significant regulations require regulatory analysis. Since a regulatory analysis is designed to aid decisionmakers in promulgating effective regulations, the criteria established should consider the characteristics of their specific programs. At a minimum, a regulatory analysis shall be prepared for any significant regulations which:

a. During any 1 year can be expected to result in an effect (direct or indirect) on the economy exceeding $50 million;

b. During any 1 year can be expected to result in an effect (direct or indirect) on either consumers, industries, levels of government, or geographic regions exceeding $25 million;

c. During any 1 year can be expected to result in an increase in costs or prices of 5 percent or more for the activity, product(s) and/or service(s) affected;

d. Can be expected to reduce labor productivity by 1 percent or more in the economic activity or sector(s) affected;

e. Can be expected to reduce employment by 5 percent or more in the economic activity or sector(s) affected;

f. For the particular market(s) affected, can be expected to result directly or indirectly in a 1 percent or more decline in supply of materials, products, or services, or a 1 percent or more increase in consumption of these materials, products, or services; or

g. For the particular market(s) affected, can be expected to result in a distinct decline in competition.

.03 A regulatory analysis may also be prepared when:

a. In the judgment of the agency head such an analysis would improve decisionmaking; or

b. The Secretary determines, in accordance with section 7.04, that such an analysis should be performed.

.04 A regulatory analysis shall involve a careful examination of alternative approaches early in the decisionmaking process. Thus, each analysis shall include, at a minimum:

a. A succinct statement of the problem;

b. A description of the major alternative ways of dealing with the problems that were considered;

c. A comparison of the economic and other consequences of each of these alternatives; and

d. A detailed explanation of the reasons for choosing one alternative over the others.

.05 The analysis in section 5.04 may also include an examination of:

a. The need for specific requirements versus the benefits of allowing varying degrees of discretion by those subject to the regulation;

b. Alternative types of compliance incentives;

c. Alternative enforcement mechanisms; and

d. Alternative governmental levels for implementation (Federal, State, or local).

.06 The notice of proposed rulemaking for each regulation for which a regulatory analysis is required shall include:

a. A succinct description of the alternatives considered;

b. An explanation of the regulatory approach that has been selected or is favored;

c. The major reasons for selecting, or favoring, a particular alternative(s); and

d. A statement of how the public may obtain a copy of the draft regulatory analysis.

.07 Public comments on the draft regulatory analysis shall be considered in preparing a final regulatory analysis, which shall be made available to the public when the final regulation is published. Significant public comments on the analysis shall be summarized and responded to in the preamble to the final regulation.

.08 These internal procedures shall apply:

a. The agency head shall inform the Chief Economist of the Department as early as possible of the nature and extent of the analysis being undertaken to assure adequate opportunity for consultation and assistance; and

b. The agency head shall transmit the draft regulatory analysis to the Chief Economist of the Department for review and comment at least 15 days prior to submission of a notice of proposed rulemaking to the FEDERAL REGISTER.

.09 Regulatory analyses are not required in rulemaking proceedings pending as of March 23, 1978, if an Economic Impact Statement has already been prepared in accordance with Executive Orders 11821 and 11949.

.10 New or accurate information may be needed from persons and businesses, in order to make informed decisions. In those instances only essential data is to be obtained in the least burdensome way.

SECTION 6. REVIEW OF EXISTING REGULATIONS

.01 Agency heads shall establish procedures to ensure that their organization's existing regulations are reviewed periodically to determine whether they are achieving the policy goals of Executive Order 12044.

.02 Agency heads shall establish criteria for selecting existing regulations to be reviewed and the order in which the review will be conducted.

.03 In developing criteria for selecting regulations to be reviewed, agency heads shall consider:

a. The continued need for the regulation;

b. The type and number of complaints or suggestions received;

c. The burdens imposed on those directly or indirectly affected by the regulation;

d. The need to simplify or clarify language;

e. The need to eliminate overlapping and duplicative regulations; and

f. The length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed.

.04 The review of existing regulations shall, at a minimum, contain the following procedural steps:

a. Inclusion of notice of the review in the semi-annual agenda as required by section 7.02, or as appropriate, supplementing the Department Agenda as called for in section 7.08, and notification to the Assistant Secretary for Policy as called for in section 7.09;

b. A determination whether the regulation meets the criteria established for identifying significant regulations, and, if so, agency head oversight as called for in section 4.04 before proceeding with the review;

c. A determination whether the regulation meets the criteria established for determining if a regulatory analysis must be performed, and, if so, preparing a regulatory analysis; and

d. If the review results in a determination that a regulation should be amended or rewritten, compliance with public notice and participation requirements of this order and DAO 201-9 concerning consultation with State and local governments; and, if the regulation is determined to be significant, agency head approval before final publication, as set forth in section 4.05.

.05 Agency heads should review their organization's significant regulations not less than every four years.

SECTION 7. REGULATORY AGENDA

.01 By January 15, 1979, and every six months thereafter, each agency head shall submit its regulatory agenda to the Assistant Secretary for Policy.

.02 Each regulatory agenda shall include:

a. A description of each regulation covered by this order which is under development or being considered for development, including, to the extent feasible:

1. A statement whether the regulation has been determined to be a significant regulation;

2. The need and the legal basis for the action being taken;

3. A statement whether or not a regulatory analysis will be required;

4. The name and telephone number of a knowledgeable official;

5. A listing of major issues likely to be considered in developing the regulation;

6. A tentative plan for obtaining public comment and, where applicable, for consulting with State and local governments;

7. Proposed dates for completing steps in the development process; and

8. Information on the status of proposed significant regulations listed in previous agendas which are not yet published as final in the FEDERAL REGISTER.

b. A list of each existing regulation scheduled to be reviewed, under section 6, including the name and telephone number of a knowledgeable official for each regulation;

c. Information on the status of existing regulations listed for review in previous agendas; and

d. A list, including the date and FEDERAL REGISTER citation, of all final regulations published in the FEDERAL REGISTER during the previous six months.

.03 If there are no plans for developing or reviewing regulations, the agency head will so report to the Assistant Secretary for Policy.

.04 The Assistant Secretary for Policy shall review all agendas and, after consultation with appropriate Department officials recommend to the Secretary:

a. Which regulations determined not to be significant by the agency heads should be treated as significant;

b. Which regulations being considered or developed should be approved by the Secretary prior to being published in the FEDERAL REGISTER in final form; and

c. Which regulations, in addition to those identified by the agency heads, require a regulatory analysis.

.05 After consulting, as appropriate, with concerned Department officials, the Secretary will inform the Assistant Secretary for Policy and the relevant agency head of decisions made with regard to the recommendations submitted under paragraph .04 of this section.

.06 Using the agendas of agency heads, as may be modified by the Secretary's decisions under paragraph .04 of this section, the Assistant Secretary for Policy shall prepare an overall Department Agenda. The Department Agenda, after approval by the Secretary, shall be submitted for publication in the FEDERAL REGISTER on or about February 15, 1979, and every six months thereafter.

.07 The Department Agenda shall include the following:

a. For proposed significant regulations being considered or developed:

1. A description of the regulation;

2. The need and the legal basis for the action being taken;

3. A statement as to whether or not a regulatory analysis will be required;

4. The name and telephone number of a knowledgeable official to whom comments on that planned regulation may be addressed;

5. A discussion of the issues to be considered in developing the regulation;

6. A tentative plan for obtaining public comments and, where applicable, for consulting with State and local governments; and

7. Target dates for completing steps in the development process.

b. Information on the status of all proposed significant regulations listed in previous agendas which are not yet published as final in the FEDERAL REGISTER;

c. A list of existing regulations scheduled to be reviewed including the name and telephone number of a knowledgeable official for each regulation;

d. Information on the status of existing regulations previously scheduled for review; and

e. The name and telephone number of an official to whom general comments about the Department Agenda should be addressed.

.08 Agency heads shall, in order to prevent undue delay, publish supplements to the Department Agenda whenever it becomes apparent that development or review of significant regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda or development or review of a regulation listed in the previous Department Agenda will not commence as scheduled.

.09 Agency heads shall immediately notify the Assistant Secretary for Policy whenever it becomes apparent that development or review of regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda.

.10 Comments received on items in the Department Agenda shall be considered in developing any proposed regulations and included in the public record of the relevant proposed rulemaking.

.11 The information in any agenda is only that which is reasonably expected to be known at the time.

.12 Every year, on the first Monday in October, the Assistant Secretary for Policy will publish in the FEDERAL REGISTER a schedule showing the times during the coming fiscal year when the Department Agenda will be published.

SECTION 8. SECRETARIAL APPROVAL

.01 Whenever, under sections 4.06 and 7.04, Secretarial approval of a reg-

ulation is requested or required before it is published in final form, the appropriate agency head shall, no later than 15 days before the proposed date for publication in the FEDERAL REGISTER in final form, submit the regulation to the Secretary for approval.

.02 The Secretary shall review the regulation in accordance with action 4.04, and shall either:

a. Approve the regulation; or

b. Disapprove the regulation, indicate the reasons for disapproval, and return the regulation to the appropriate agency head.

SECTION 9. PUBLIC PARTICIPATION

.01 The public, and, for regulations with significant intergovernmental impact. State and local governments, shall be given an early and meaningful opportunity to participate in the development of the regulations of the Department.

.02 Agency heads shall consider a variety of ways to provide this opportunity, including, but not limited to:

a. Publishing an advance notice of proposed rulemaking;

b. Holding open conferences or public hearings;

c. Sending notices of proposed regulations to publications likely to be read by those affected;

d. Notifying interested parties directly; and

e. Providing for more than one cycle of public comments.

.03 The preamble of any proposed rulemaking covered by this order shall contain a brief description of plans for obtaining public, and, if applicable, State and local government participation. If none of the methods listed in paragraph .02 of this section are used in a rulemaking covered by this order, the preamble accompanying the final regulation shall briefly explain the reasons and indicate what other steps were taken to assure adequate opportunity for public and State and local government participation.

.04 The public shall be given at least 60 days to comment on proposed significant regulations. Exceptions to this requirement may be granted only by the agency head and only in those few instances where it is determined that compliance is not possible. When an exception is made, the regulation shall be accompanied by a brief statement of the reasons for the shorter time period.

.05 Regulations exempted by section 2.02e. (emergencies or short-term deadlines) shall, when published in the FEDERAL REGISTER, be accompanied by a statement of the reasons why it is impracticable or contrary to the public interest to follow the procedures of this order. This statement shall include the name of the policy official responsible for the determination.

.06 Regulations exempted by section 2.02b. (military or foreign affairs functions) or 2.02e. may be made effective on issuance. However, FEDERAL REGISTER publication of these regulations shall provide for a public comment period of at least 60 days after issuance and republication after public comments have been considered and appropriate modifications, if any, are made.

SECTION 10. EFFECT ON OTHER ORDERS

.01 This order supersedes Department Administrative Order 216-7 of January 17, 1972, "Interagency Coordination of Issuances on Environmental Quality, Consumer Protection, and Occupational and Public Health and Safety", and Department Administrative Order 218-6 of November 28, 1974, "Inflationary Impact of Legislation and Regulatory Proposals".

.02 Nothing in this order shall affect the procedures set forth in Department Administrative Order 205-11 of May 12, 1971, as amended, "Publishing Documents in the FEDERAL REGISTER" or 201-9 of September 7, 1971, "Consultation with State and Local Governments in Development of Federal Regulations".

_____,

Secretary of Commerce.

PUBLISHING DOCUMENTS IN THE FEDERAL REGISTER

Proposed Amendment to DAO 205-11; Insert a new section 6 as follows:

SECTION 6. PLAIN ENGLISH

.01 It is the policy of the Department that all documents published in the FEDERAL REGISTER be as simple and clear as possible.

.02 The head of each operating unit and the Director, Office of Organization and Management Systems (OOMS), for other components of the Department, shall designate an employee or employees who shall review each document to be published in the FEDERAL REGISTER to ensure that it is written clearly and simply as possible and is designed to be understandable to those affected by it.

.03 No document will be published in the FEDERAL REGISTER until it is reviewed by a designated employee.

.04 Exceptions to paragraph .03 of this section may be granted only by the head of the operating unit or the Assistant Secretary for Administration. Exceptions shall be in writing and explain why the exception is necessary. Copies of all exceptions will be provided to the Director, OOMS.

APPENDIX A—ASSISTANT SECRETARY FOR ADMINISTRATION

The Assistant Secretary for Administration is responsible for managing Departmental activities in the following functional areas: administrative services and procurement, automatic data processing, audits, budget and program evaluation, civil rights, finance, investigations and security, organization and management systems, personnel, and publications.

1. *Description of the current process for developing regulations and of the changes made to comply with Executive Order 12044.*

The nature of the functions for which the Assistant Secretary is responsible is such that the Assistant Secretary has issued only a limited number of regulations. Consequently, there has been no formal regulatory development process of the type envisioned in the Executive Order. Past regulations were developed by the appropriate Administration office, cleared by the General Counsel, published in the FEDERAL REGISTER for comment, revised in light of any comments received, and published again in the FEDERAL REGISTER in final form.

In the future, the regulatory development process will incorporate the requirements of Executive Order 12044. The Assistant Secretary will incorporate these requirements by complying with the procedures in Department Administrative Orders 201-9, 205-11, and 218-7. The level of detail in these DAO's is such that, in Administration, compliance can be affected with minimal additional direction from the Assistant Secretary. Upon final approval of DAO 218-7 and the amendment to DAO 205-11, the Assistant Secretary will send a notice to all office directors in Administration. The notice will:

a. Send copies of DAO's 201-9, 205-11, and 218-7 to the office directors and require that they develop their regulations in accordance with the procedures in the DAO's.

b. State that the Assistant Secretary shall determine whether or not a regulation is significant. This determination will be based on the criteria described in part 2 of this appendix, on the review called for in section 4.04 of DAO 218-7, and on consultation with the office directors.

c. State that the Assistant Secretary shall approve all significant regulations before they are published in the FEDERAL REGISTER in final form.

d. State that the Assistant Secretary shall determine which regulations require regulatory analysis. This determination will be based on the criteria established in section 5.02 of DAO 218-7 and on consultation with both the Chief Economist and the office directors.

e. State that the Assistant Secretary shall select existing regulations to be reviewed. This selection will be based on the criteria described in part 4 of

this appendix and on consultation with office directors.

f. Require that for all regulations, office directors will prepare regulatory agenda material in accordance with section 7 of DAO 218-7 for inclusion in an overall Administration agenda in accordance with section 7.01. That agenda and any supplements prepared in accordance with section 7.08 will be approved by the Assistant Secretary.

g. Require the Director of the Office of Organization and Management Systems to designate an employee who will review all documents to be submitted to the FEDERAL REGISTER to ensure that they are written clearly and simply and are designed to be understandable to those affected.

2. *Proposed criteria for defining significant regulations.*

Regulations issued by the Office of the Assistant Secretary shall be significant if the Assistant Secretary determines that they shall be treated as such, or if:

a. The regulation applies to a large number of persons or organizations;

b. The requirements for ensuring compliance, including data collection and reporting requirements, impose more than a minimum burden on those affected;

c. The regulation causes other Federal agencies or State and local governments to incur new responsibilities or make other than minimal changes in program operations;

d. The regulation meets the criteria described in part 3 of this appendix for the preparation of a regulatory analysis; or

e. The regulation can be expected to generate considerable public interest or controversy.

Any revision or amendment which does not materially change the requirements of, or the number of persons and organizations affected by, a significant regulation shall not be considered significant.

3. *Proposed criteria for identifying which regulations require regulatory analysis.*

Any regulation meeting the criteria established in section 5.02 of DAO 218-7 will require a regulatory analysis. In addition, the Assistant Secretary may determine that any regulation issued by the Office of the Assistant Secretary requires a regulatory analysis.

4. *Proposed criteria for selecting existing regulations to be reviewed.*

All regulations issued by the Office of the Assistant Secretary shall be reviewed no less frequently than once every 3 years. In addition, an existing regulation shall be reviewed if:

a. New laws, Executive Orders, etc., require changes in an existing regulation;

b. Amendments to central or coordinating agency regulations require changes in an existing regulation; or

c. The Assistant Secretary receives suggestions or complaints which indicate a need for changes in an existing regulation.

5. *Existing regulations scheduled for review during the next six months.*

Department of Commerce regulations under Title VI of the Civil Rights Act of 1964 will be reviewed. These regulations appear at 15 CFR 8.1-8.15, and deal with the prohibition of discrimination in many programs for which Federal financial assistance is authorized under a law administered by the Department. The review will be for the purpose of ensuring consistency with the Title VI regulations issued by the Department of Justice (28 CFR 41.401-41.415), and ensuring that the regulations are understandable to those affected. Comments on this review should be sent to Arthur E. Cizek, Office of Civil Rights, Room 4065, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. The telephone number is 202-377-3940.

Comments on Appendix A should be sent to Thomas J. Cox, Jr., Office of Organization and Management Systems, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. The telephone number is 202-377-3743.

APPENDIX B—BUREAU OF THE CENSUS

The Bureau of the Census was established as a permanent Bureau by the Act of March 6, 1902 (32 Stat. 51). Laws pertaining to the Bureau's statistical program are encompassed in title 13 of the United States Code. The mission of the Census Bureau is to collect and publish basic statistics concerning the population and the economy of the Nation in order to assist the Congress, the Executive Branch, and the general public in the development and evaluation of economic and social programs. The Bureau publishes a wide variety of statistical data and provides special tabulations of statistical information for government and private users. Major Census Bureau program areas include periodic censuses, current surveys and programs, and reimbursable work.

It should be noted that because of the nature of its work, the Census Bureau does little rulemaking. Those half dozen regulations that are in existence have no major impact on the economy. They relate to either administering a data collection program or data service programs. Consequently, there has been no need to formalize an extensive process for developing regulations; the process has been ad hoc in nature. To comply with the Executive Order, the Bureau is now proposing procedures in addition to the requirements provided for in Department Administrative Order 218-7 for the issuance of regulations.

For further information concerning these proposed procedures contact: Theodore G. Clemence, Chief, Program and Policy Development Office, Bureau of the Census, Room 2419, FB No. 3, Washington, D.C. 20233, 301-763-2758.

Interested persons may participate in this rulemaking by submitting written data, suggestions, or arguments to: Director, Bureau of the Census, Washington, D.C. 20233.

Copies of all written comments will be available for examination in: Bureau of the Census Library, Room 2471, FB No. 3, Suitland, Md. 20233.

1. *Existing procedures and changes that have been made to comply with Executive Order 12044.*

(a) The following procedures shall be applicable to all regulations. Prior to the promulgation of a regulation, the Director shall determine:

(1) That the need for and purpose of the regulation are clearly established and specified in the FEDERAL REGISTER preamble;

(2) That adequate provisions are made for early public participation in the development of regulations by notification of advisory committees and announcements in relevant publications and the regulatory agenda that the regulation is being considered and comments are solicited;

(3) That the issues have been thoroughly reviewed;

(4) That the feasible alternatives have been explored;

(5) That compliance costs, paperwork and other burdens on the public are minimized; and

(6) The Director shall specify a person to insure that the regulation is written in plain English and is understandable to those who must comply with it.

(b) In addition, before approving and signing significant regulations, the Director shall determine:

(1) That the direct and indirect effects of the regulation have been adequately considered;

(2) That the least burdensome of the acceptable alternatives has been chosen;

(3) That public comments (including those from State and local governments) have been considered and an adequate response prepared;

(4) That an estimate has been made of the new reporting burden or recordkeeping requirements, if any, necessary for compliance with the regulation;

(5) That the name, address, and telephone number of a knowledgeable official is included in the FEDERAL REGISTER preamble; and

(6) That a plan is developed for evaluating the effect of the regulation after its issuance.

(c) The Director shall submit a regulatory agenda to the Assistant Secretary for Policy by January 15, 1979, and every six months thereafter.

The regulatory agenda shall include,

(1) A description of each regulation under development or being considered which includes items specified in Section 7.02 of Department Administrative Order 218-7;

(2) A list of each existing regulation scheduled to be reviewed;

(3) Information on the status of existing regulations listed for review on previous agendas; and

(4) A list of all final regulations promulgated during the previous six months with the date and FEDERAL REGISTER citation.

The Director shall immediately notify the Assistant Secretary for Policy and publish suplements to the Department Agenda whenever it becomes apparent that development or review of significant regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda or review of a regulation listed in the previous Department Agenda will not commence as scheduled.

2. *Criteria for defining significant agency regulations.*

A regulation shall be considered significant if it meets any of the Departmental criteria as set forth in Department Administrative Order 218-7 or one or more of the following:

(a) Since a burden is placed on shippers by the regulations, a substantive change in the reporting requirements necessary for compliance with the Foreign Trade statistics regulations will be considered significant;

(b) The Regulation would affect over 25 percent of all States or local government units;

(c) The procedures or programs of another department or agency will be effected.

(d) Significant public controversy or interest is expected to result;

(e) The Secretary, the Chief Economist of the Department or the Director requests that a regulation be considered significant.

3. *Criteria for identifying which regulations require regulatory analysis.*

A regulatory analysis shall be prepared for significant regulations which meet the Departmental criteria as set forth in Department Administrative Order 218-7, or the Secretary, the Chief Economist of the Department, or the Director request that such an analysis be performed.

4. *Criteria for selecting existing regulations to be reviewed.*

All existing regulations shall be reviewed within 1 year of the date of the publication of this report. Thereafter, a regulation will be reviewed whenever:

(a) The regulation has not been reviewed for 5 years;

(b) A significant regulation has not been reviewed for 2 years;

(c) It appears to the Director that there is no further need for the regulation in the light of public comments received;

(d) It appears to the Director that the burdens imposed upon the public are increased even though no change has been made to the regulation itself;

(e) It appears to the Director that there is a need to simplify or clarify the language of the regulation;

(f) It appears to the Director that there is a need to eliminate overlapping and duplicative regulations;

(g) Technology, economic conditions or other factors have changed the effect of the regulation on the public;

(h) The Secretary, the Chief Economist of the Department or the Director requests that such review should take place.

The Bureau's regulations may be found in 15 CFR Chapter 1. We plan to complete the review of Bureau regulations within 1 year of the effective date of these procedures.

These regulations are:

15 CFR 20 relating to the Bureau of the Census official seal.

15 CFR 30 establishes reporting requirements and criteria relating to exports and imports.

15 CFR 40 which provides, through the State Department, training of foreign participants in Census procedures and general statistics.

15 CFR 50 establishes fees charged for various services provided by the Bureau to individuals, State and local governments and firms.

15 CFR 60 relates to the release of information under the Freedom of Information Act.

15 CFR 70 establishes the date by which a change in a political boundary must be reported to the Bureau in order to be included in the decennial census.

15 CFR 80 establishes the procedure for obtaining data from past records of the decennial census questionnaires.

APPENDIX C—BUREAU OF ECONOMIC ANALYSIS

The Bureau of Economic Analysis (BEA) was established under Department Order No. 10, effective December 18, 1945. Department Order No. 15, as amended December 1, 1953, pursuant to authority contained in Reorganization Plan No. 5 of 1959, further designated BEA as a primary operating unit of the Department. The mission of BEA is to provide a clear picture of the state of the economy through the preparation, development and interpretation of the economic accounts of the United States.

To construct the accounts, BEA uses mainly raw data collected by other agencies from individuals, businesses, and other respondents. About one-third of these primary data comes from the Census Bureau. Most of the rest come from the Treasury Department, the Labor Department, and the Office of Management and Budget. BEA also conducts its own surveys to collect data whenever there is a close link between the data and its analytical work, as for instance, in the case of its balance of payments work and its work on international investment.

Because of the nature of its work, the Bureau of Economic Analysis does little rulemaking. Proposed rules and regulations have been developed primarily to establish new statistical surveys and public reporting requirements, and it has not been necessary to formalize a process for developing regulations; the process has been ad hoc in nature. To comply with the Executive Order, the Bureau is now proposing procedures in addition to the requirements provided for in Department Administrative Order 218-7 for the issuance of regulations.

SUPPLEMENTARY INFORMATION: Interested persons may participate in this proposed rulemaking by submitting written data, suggestions or arguments to: Director, Bureau of Economic Analysis, Washington, D.C. 20230.

Copies of all written comments will be available for examination by interested persons in: Room 905, Tower Building 1401 K Street NW., Washington, D.C. 20230.

1. *Existing procedures and changes that have been made to comply with Executive Order 12044.*

(a) The following procedures shall be applicable to all regulations. Prior to the promulgation of a regulation, the Director shall determine:

(1) That the need for and purpose of the regulation are clearly established and specified in the FEDERAL REGISTER preamble;

(2) That adequate provisions are made for early public participation in the development of regulations by notification of advisory committees and announcements in relevant publications and the regulatory agenda that the regulation is being considered and comments are solicited;

(3) That the issues have been thoroughly reviewed;

(4) That the feasible alternatives have been explored;

(5) That compliance costs, paperwork and other burdens on the public are minimized;

(6) That the regulation is written in plain English and is understandable to those who must comply with it.

(b) Before approving and signing significant regulations, the Director shall determine:

(1) That the direct and indirect effects of the regulation have been adequately considered;

(2) That the least burdensome of the acceptable alternatives has been chosen;

(3) That all public comments (including those from state and local governments) have been considered and an adequate response prepared;

(4) That an estimate has been made of the new reporting burden or recordkeeping requirements, if any, necessary for compliance with the regulation;

(5) That the name, address, and telephone number of a knowledgeable official is included in the FEDERAL REGISTER preamble;

(6) That a plan is developed for evaluating the effect of the regulation after its issuance.

(c) The Director shall submit a regulatory agenda to the Assistant Secretary for Policy by January 15, 1979, and every 6 months thereafter. The regulatory agenda shall include:

(1) A description of each regulation under development or being considered which includes items specified in Section 7.02 of Department Administrative Order 218-7;

(2) A list of each existing regulation scheduled to be reviewed;

(3) Information on the status of existing regulations listed for review on previous agenda; and

(4) A list of all final regulations promulgated during the previous 6 months with the date and FEDERAL REGISTER citation.

The Director shall immediately notify the Assistant Secretary for Policy and publish supplements to the Department Agenda whenever it becomes apparent that development or review of significant regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda or review of a regulation listed in the previous Department Agenda will not commence as scheduled.

2. *Criteria for defining significant agency regulations.*

A regulation shall be considered significant if it meets the Departmental criteria as set forth in Department Administrative Order 218-7, or one or more of the following:

(a) The regulation would affect over 25 percent of all State or local governments;

(b) The procedures or programs of another department or agency will be affected;

(c) Significant public controversy or interest will result;

(d) The Secretary, Chief Economist, or the Director determines that a regulation is significant.

3. *Criteria for identifying which regulations require regulatory analysis.*

A regulatory analysis shall be prepared for significant regulations which meet the Departmental criteria as set forth in Department Administrative Order 218-7, or the Secretary, Chief Economist of the Department, or the Director determines that such an analysis should be performed.

4. *Criteria for selecting existing regulations to be reviewed*

All existing regulations (15 CFR Chapter VIII) shall be reviewed within 1 year of the date of the publication of this report. Thereafter, a regulation will be reviewed whenever:

(a) The regulation has not been reviewed for 5 years;

(b) A significant regulation has not been reviewed for 2 years;

(c) It appears to the Director that there is no further need for the regulation in the light of public comments received;

(d) It appears to the Director that the burdens imposed upon the public are increased even though no change has been made to the regulation itself;

(e) It appears to the Director that there is a need to simplify or clarify the language of the regulation;

(f) It appears to the Director that there is a need to eliminate overlapping and duplicative regulations;

(g) Technology, economic conditions or other factors have changed the effect of the regulation on the public;

(h) The Secretary, the Chief Economist of the Department, or the Director, requests that such review take place.

The Bureau's basic regulations may be found in 15 CFR Chapter VIII. We plan to complete the review of Bureau Regulations within 1 year of the effective date of these procedures. These regulations are: 15 CFR 802 which relates to the reporting of revenues and expenditures by carriers of imports.

15 CFR 803 which relates to the reporting of royalties and fees earned by foreign holdings of U.S. persons.

15 CFR 806 which relates to the reporting of direct investment.

15 CFR 807 which relates to the release of material under the Freedom of Information Act.

15 CFR 804 and 805 are outdated and will be deleted.

APPENDIX D—ECONOMIC DEVELOPMENT ADMINISTRATION

DRAFT REPORT ON IMPROVING THE REGULATORY PROCESS

This notice sets forth the draft report which Executive Order 12044 on Improving Government Regulations (E.O. 12044, March 23, 1978) requires each agency to publish in the FEDERAL REGISTER for public comment.

The following topics are examined in this draft report: (1) the Economic Development Administration's (EDA) current process for developing significant regulations; (2) the changes EDA has made to that process to comply with E.O. 12044; (3) EDA's proposed criteria for determining significant regulations; (4) proposed criteria for identifying significant regulations which require regulatory analysis; (5) proposed criteria for the selection of existing regulations to be reviewed according to the provisions of E.O. 12044; (6) a list of existing regulations which EDA will consider in its initial review; and, (7) a description of EDA's regulatory agenda.

I. Current Process for Developing Regulations.

EDA develops new regulations and revises existing regulations through basically the same process. There are several stages to this development: initiation, circulation within the agency, publication in the FEERAL REGISTER, and opportunity for public comment.

(1) EDA's regulatory process starts in its Office of Chief Counsel (OCC) on its own initiative or at the request of the program offices, depending on the nature of the regulation. Regulations required by legislation originate with OCC; regulations implementing policy are proposed in program offices.

(2) Where OCC proposes a regulation, it prepares a draft of the proposal accompanied by background information on the authority for the regulation, the purpose it is intended to accomplish, and, if necessary, any policy decisions incorporated into the regulation. When a program office suggests a regulation, it supplies the background information to OCC, which drafts the proposed regulation. These drafts are circulated through the Agency for comments.

(3) After comments, if any, have been received and appropriate revisions made, the regulation is sent to the Assistant Secretary for his approval. When the Assistant Secretary signs the regulation, it is published in the FEDERAL REGISTER as a final rule. The FEDERAL REGISTER publication includes the name of an agency official whom interested persons may contact for further information and allows the public 30 days to comment on the regulation.

Up to this date, EDA published regulations directly in final form because section 553 of the Administrative Procedure Act (5 U.S.C.) exempts agencies from the notice-and-comment procedure for regulations pertaining to grant and loan programs. Because of this exemption, EDA was not required to publish notices of proposed rulemaking. Upon occasion, EDA obtained comments prior to publication in the FEDERAL REGISTER through formal and informal consultation with State and local governments. For instance, under the $6 billion Local Public Works Program, EDA submitted draft regulations to the Advisory Commission on

Intergovernmental Relations for their comments.

II. Revised Process for Significant Regulations.

The following reforms have been made to EDA's procedures for significant (as defined in part III) regulations to accommodate the provisions of E.O. 12044. EDA will also comply with the procedures set forth in Department Administrative Order 218-7 "Issuing Departmental Regulations" (D.A.O.). EDA's process now includes the following stages: initiation, agency head oversight, regulatory analysis (where appropriate), public participation, and approval.

A. Initiation of process. EDA will continue to initiate regulations as it did prior to E.O. 12044. Now, however, a regulation will be examined at this stage by the Office of the Chief Counsel to determine its significance. The criteria for determining significance in regulations are discussed in part III below. If a regulation is determined significant, it will be subject to the remaining four stages. A regulation found not to be significant will be developed through similar procedures consistent with section 1 of E.O. 12044, depending on the nature of the regulation involved.

B. Oversight by the Assistant Secretary. Before drafting a significant regulation, OCC will inform the Assistant Secretary about the issues to be considered in the proposal and alternative approaches to achieve the proposal's purpose which should be explored. The Assistant Secretary then will determine how the Agency will proceed with the regulation.

The Assistant Secretary also will review a tentative plan for obtaining public comment on the regulation. Where appropriate to the nature of the regulation, this plan shall include provision for consultation with State and local governments. Finally, the Assistant Secretary will establish dates for the completion of various steps in the development of the regulation.

Notice of developing a significant regulation will be given in EDA's regulatory agenda as described in part VII.

C. Regulatory analysis. EDA will prepare a regulatory analysis for all significant regulations which may have major economic consequences, as set forth in part IV. For such regulations, EDA will scrutinize alternative approaches early in the decisionmaking process. In performing the regulatory analysis, EDA will:

(1) Provide a succinct statement of the problem;

(2) Describe the major alternative ways of dealing with the problem;

(3) Analyze the economic consequences of each alternative considered;

(4) Explain in detail the reasons for choosing one alternative over the others;

(5) Explain in the public notice of proposed rulemaking the regulatory approach selected or favored, described briefly other alternatives considered, and state how the public may obtain a copy of the draft regulatory analysis;

(6) Prepare a final regulatory analysis which EDA will make available when final regulations are published.

D. Opportunity for public participation. EDA will give the public early and meaningful opportunity to participate in the development of significant regulations. In accordance with this goal, the Agency will publish on advance notice of proposed rulemaking after the Assistant Secretary has performed his oversight functions. EDA also will notify appropriate interested parties directly of the development of regulations.

In addition to these steps, EDA may, where appropriate and helpful, hold open conferences or public hearings on proposed rulemaking and send notice of proposed regulations to publications likely to be read by those affected by the rulemaking.

EDA will publish significant regulations as proposed rules and will allow the public sixty days to submit written comments on them. Written comments received from the public will be considered when the regulations are put into their final form.

In accordance with section 2(c) of E.O. 12044, EDA reserves the right to publish significant regulations with a shorter period for public comment or as final rules where short-term (60-90 days) statutory or judicial deadlines or other exigencies make the 60 day period impractical or contrary to the public interest. The publication of these regulations will be accompanied by a statement of the reason for the abbreviated public participation procedures and the name of the EDA official responsible for this determination.

E. Approval of significant regulations. As in EDA's former process, the Assistant Secretary will approve all significant regulations prior to publication for public comment in the FEDERAL REGISTER. The Assistant Secretary will make the following specific determinations as part of his approval:

(1) The proposed regulations are needed;

(2) The direct and indirect effects of the regulations have been considered;

(3) Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) Public comments have been considered and responded to adequately;

(5) The regulations are written in plain English and are understandable to those who must comply with them;

(6) An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulations;

(7) The name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulations after their issuance has been developed.

Where the D.A.O. directs that the Secretary of Commerce shall approve significant regulations, such regulations, including the determinations noted above, will be submitted to the Secretary at least fifteen days before the proposed publication date.

III. Criteria for Determining Significant Regulations.

The process for developing regulations described in part II applies only to regulations which EDA determines are significant. EDA will use the following criteria to determine their significance.

(1) EDA will consider the relationship of the regulation to major Departmental or Agency policy issues. Where an EDA regulation implements a major policy of either the Department or the Agency, rather than mandatory legislative authority or executive branch directive, the regulation will be considered significant.

(2) EDA will consider the degree of controversy over or public interest in the regulation. Where a proposal for a regulation is controversial or of great public interest, that regulation will be considered significant.

(3) EDA will also consider the following factors in determining significance:

(a) The type and number of individuals, businesses, organizations, State and local governments affected;

(b) The compliance and reporting requirements likly to be involved;

(c) The direct and indirect effects of the regulation, including the effect on competition; and

(d) The relationship of the regulation to those of other programs and agencies.

(4) EDA will determine that regulations are not significant where the regulation is required by statute or other exigency (e.g. judicial deadlines) to be published quickly (i.e. 60-90 days) or where the regulation is required by statute or an executive branch directive and allows EDA no substantial discretion in developing the contents of the regulation.

(a) EDA will determine a regulation to be an emergency regulation where the statute or exigency requires publication within 91 days. In such a case, the regulation will not be significant. EDA will follow the procedures described in part II only inasfar as time will allow. EDA will publish these regulations as interim regulations and allow the public to comment for at least 60 days prior to final publication.

(b) The Assistant Secretary may conclude that a regulation is not sig-

nificant, even if it meets the criteria established for identifying significant regulations, if the Assistant Secretary determines, in writing, that the degree of discretion available to EDA is so limited by underlying legislation or executive branch directives (e.g. Executive Orders, OMB Circulars, etc.) that no significant options for implementation are available to EDA. A copy of this determination shall be promptly sent to the Assistant Secretary for Policy and an explanation of the determination shall be included in the preamble to the notice of proposed rulemaking.

IV EDA's proposed criteria for identifying significant regulations which require regulatory analysis.

EDA will prepare a regulatory analysis of proposed regulations which the Agency has both: (a) identified as significant under the above criteria, and (b) determined may have major economic consequences.

EDA will apply the following alternative criteria to determine whether a significant regulation may have major economic consequences:

(1) Where the potential economic consequences of the significant regulation will affect the economy as a whole, EDA will determine those consequences to be major if such regulation can be expected, during any 12-month period it is in effect, to result in an effect, direct or indirect, on the economy of $50 million or more. If this criterion is met, EDA will perform a regulatory analysis of the proposed significant regulation.

(2) Where the potential economic consequences of the significant regulation will affect an individual industry, EDA will determine those consequences to be major.

(a) If, during any 12-month period in which it is in effect, such regulation can be expected to result in an increase of cost or price of 5 percent or more for the specific activity, product(s) or service(s) affected by the regulation; or

(b) If, during any 12-month period in which it is in effect, such regulation can be expected to result in an effect, direct or indirect, exceeding $25 million; or

(c) If the regulation can be expected to reduce labor productivity by 1 percent or more in the item which is the unit of focus in the regulation; or

(d) If such regulation can be expected, for the particular market(s) affected, to result in a 1 percent or more decline in a supply of materials, products, or services or a 1 percent or more increase in consumption of these materials, products, or services as a direct or indirect result of such regulation; or

(e) If such regulation can be expected to result in a decline in competition in the particular market(s) affected. Factors to be considered include limitation of market information, or other restrictive factors that impede the functioning of the market system.

If any of the criteria (a) through (e) is met, EDA will perform a regulatory analysis of the proposed significant regulation.

(3) Where the potential economic consequences will affect a level of government, EDA will determine those consequences to be major if the effect, direct or indirect, is an increase in costs to that level of government which can be expected to exceed $25 million. If this criterion is met, EDA will perform a regulatory analysis of the proposed significant regulation.

(4) Where the potential economic consequences will affect a geographic area, EDA will determine those consequences to be major if, during any 12-month period in which it is in effect, the significant regulation can be expected to result in an effect, direct or indirect, exceeding $25 million. If this criterion is met, EDA will perform a regulatory analysis of the proposed significant regulation.

(5) Where the potential economic consequences of the significant regulation will result in an effect, direct or indirect, to consumers, EDA will determine those consequences to be major:

(a) If, during any 12-month period it is in effect, such regulation can be expected to result in an effect, direct or indirect, exceeding $25 million; or

(b) If, during any 12-month period it is in effect, such regulation can be expected to result in an increase in price of 5 percent or more for the specific activity, product(s) or service(s) affected by the proposed regulation; or

(c) If such regulation can be expected to result, for the particular market(s) affected, in a 1 percent or more decline in supply of materials, products or services or a 1 percent or more increase in consumption of these materials, products or services as a direct or indirect result of the regulation; or

(d) If, such regulation can be expected to result in a decline in competition in the particular market(s) affected. Factors to be considered include limitation of market entry, restraint of market information, or other restrictive factors that impede the functioning of the market system.

EDA will also prepare a regulatory analysis of existing regulations where the Agency has determined, pursuant to the criteria set forth in part V, that the regulations should be revised, and that the regulations as revised are both significant and will have major economic consequences under one or more of the preceding criteria.

If the Agency determines that a proposed or revised regulation is not significant or that a proposed or revised regulation is significant but will not have major economic consequences under one of the above criteria, EDA will not perform a regulatory analysis of the regulation except where:

(a) The Assistant Secretary for Economic Development determines that such an analysis would be beneficial; or

(b) The Secretary of Commerce determines, in accordance with section 7.04 of the D.A.O. that such an analysis should be performed.

V Criteria for selecting regulations for review.

In order to assure that exisiting regulations are achieving the policy goals of E.O. 12044, EDA will review its regulations periodically. In selecting existing regulations for review, EDA will consider the following criteria:

(1) The length of time since the regulation has been evaluated. All regulations which meet the criteria of significance will be reviewed at least once every 4 years. EDA will review all other regulations within 6 years of publication. After selecting regulations under this criterion, EDA will review the regulations in accord with the other criteria listed below.

(2) The continued need for the regulation. EDA shall examine all its regulations periodically to determine if there is a continuing need for the regulations. EDA will measure the need for each regulation on the basis of the underlying legislation, EDA policy, or other Federal agency requirements.

(3) The need to simplify or clarify language. EDA will note which of its regulations have caused misunderstandings and review them as necessary to clarify them.

(4) The need for clarifying the organization of parts or subparts due to the addition of or substantial revision of individual regulations.

(5) The need to eliminate overlapping or duplicative regulations.

(6) The need to eliminate unnecessary variations in requirements imposed on recipients of financial assistance by both EDA and other Federal agencies.

(7) The burdens imposed on those directly or indirectly affected by the regulations.

(8) The number of complaints or suggestions received.

(9) The degree to which economic conditions or other factors have changed in the area affected by the regulation.

Based upon its review of existing regulations, EDA will revise significant regulations in accord with the procedures set forth in part II above for developing new significant regulations.

VI List of existing regulations which EDA will consider for its initial review.

EDA will consider the following regulations for its initial review:

(1) 13 CFR part 306—Business development program.

(2) 13 CFR part 309—General requirements for financial assistance.

(3) 13 CFR part 301—Establishment and organization.

(4) 13 CFR part 303—Economic development districts.

VII Regulatory agenda.

By January 15 and July 15 of each year, EDA will prepare a regulatory agenda of forthcoming regulations under review or development. EDA will submit the agenda to the Assistant Secretary of Commerce for Policy. The portions of this agenda concerning significant regulations will be published in the FEDERAL REGISTER as part of the combined Department of Commerce regulatory agenda by February 15 and August 15 of each year. The regulatory agenda for EDA will include, to the extent feasible:

(1) A description of regulations under development or being considered for development, including:

(a) A statement whether the regulation has been determined to be a significant regulation;

(b) The need for and the legal basis for the action being taken;

(c) If possible, a statement as to whether or not a regulatory analysis will be required;

(d) The name and telephone number of a knowledgeable official;

(e) A list of major issues likely to be considered in developing the regulation;

(f) A tentative plan for consulting with State and local governments;

(g) Proposed dates for the completion of steps in the development process; and

(h) Information on the status of all new significant regulations listed in previous agendas until such time as these regulations are published as final in the FEDERAL REGISTER.

(2) A list of existing regulations scheduled for review, including the name and telephone number of a knowledgeable official for each;

(3) Information on the status of existing regulations previously scheduled for reviews; and

(4) A list of all final regulations published in the FEDERAL REGISTER during the previous 6 months including the date and FEDERAL REGISTER citation.

If EDA has no regulations which it intends to review or develop, EDA will submit a report to the Assistant Secretary for Policy to that effect. If, prior to the date of the next Departmental agenda, it becomes necessary for EDA to develop or review significant regulations which were not listed on the last Departmental agenda, EDA will publish a supplement to the Departmental agenda. In addition, EDA will immediately notify the Assistant Secretary for Policy any changes to its regulation agenda. EDA may also publish a supplement to the Departmental agenda, when appropriate, if EDA will not develop or review significant regulations as scheduled on the latest Departmental agenda.

In developing proposed regulations, EDA will consider and include as part of the public record all substantive comments which it has received concerning any item listed on the Departmental agenda.

Interested persons should send comments on this draft report to:

Assistant Secretary for Economic Development, Room 7800B, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: ————

————————,
Assistant Secretary for Economic Development.

APPENDIX E—INDUSTRY AND TRADE ADMINISTRATION

POLICIES AND PROCEDURES FOR SIMPLICATION, ANALYSIS, AND REVIEW OF REGULATIONS; DRAFT ORDER

The Industry and Trade Administration (ITA) is responsible for developing Federal policies and programs for improving and expanding the economic and industrial strength of the U.S. ITA advises the Secretary of Commerce and other Government officials on international economic and domestic business policy matters, conducts research and analysis, and formulates domestic and international economic and commercial programs on trade, finance and investment.

ITA does not have a set of written procedures for developing regulations. For the most part ITA has followed the practice of issuing draft regulations and providing for a period of public comment, usually of 30 days.

In accordance with Department of Commerce Administrative Order 218-7 and Executive Order 12044, ITA's draft order, Issuing Regulations, which follows, establishes written procedures for the development of regulations which will insure the full participation of the public, and for the preparation of a semi-annual regulatory agenda. The draft order sets forth criteria for determining which ITA regulations are significant and, of those, which require regulatory analyses. In addition, it establishes criteria for determining when existing regulations shall be reviewed and what factors shall be considered in that review.

[Industry and trade administrative order—]

ISSUING REGULATIONS

Section 1. Purpose.

This order prescribes the procedures which shall apply in implementing Executive Order 12044 of March 23, 1978, improving Government Regulations, and Department Administrative Order 218-7.

Section 2. Scope.

.01 Except as provided in paragraph .02 of this section, this order applies to all regulations of the Industry and Trade Administration published in the FEDERAL REGISTER.

.02 Unless specifically noted to the contrary, this order does not apply to regulations exempted by Executive Order 12044 and D.A.O. 218-7, specifically.

a. Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557);

b. Regulations issued with respect to a military or foreign affairs function of the United States;

c. Matters related to agency management or personnel;

d. Regulations related to Federal Government procurement; or

e. Regulations that are issued in response to an emergency or which are governed by short-term (less than 91 days) statutory or judicial deadlines.

.03 Even in cases where the exemptions in paragraph .02 of this section apply, regulations will be developed, to the extent practicable, in accordance with the requirements, procedures and intent of the Executive Order.

Section 3. Definitions.

.01 *Bureau head.* As used in this order, bureau head means the head of each bureau of the Industry and Trade Administration, and persons serving in those positions in an acting capacity.

.02 *Regulation(s).* As used in this order, regulation(s) means both rules and regulations issued by the Industry and Trade Administration including those which establish conditions for financial assistance. Closely related sets of regulations shall be considered together.

Section 4. Significant regulations.

.01 Bureau heads shall identify a regulation to be significant if:

a. a substantial number of individuals, businesses, organizations, State and local governments would be affected by the regulation;

b. The compliance and reporting requirements of the regulation are likely to be excessive and interfere with normal business practices or substantially increase paperwork requirements;

c. The regulation is likely to have a major affect directly or indirectly on competition within the marketplace;

d. The regulation would be likely to have a measurable inflationary effect;

e. The regulation would be likely to contribute substantially to unemployment;

f. The regulation would be likely to reduce U.S. exports by a substantial amount;

g. The availability of material and equipment in the marketplace would be increased or decreased in a substantial amount;

h. The regulation relates in an important way to other programs and agencies within and outside of the Industry and Trade Administration and the Department; or

i. The regulation bears an important relationship to major Industry and Trade Administration and Departmental policy issues.

.02 a. Before proceeding to develop significant new regulations the bureau head shall have reviewed the issues to be considered, the alternative approaches to be explored, a tentative plan for obtaining public comment where applicable, a tentative plan for consultation with State and local governments, and a target date for completion of steps in the development of the regulation.

b. The bureau head shall obtain the approval of the Assistant Secretary for Industry and Trade of any proposal to develop significant new regulations.

.03 The Assistant Secretary for Industry and Trade shall approve significant regulations before they are published in the FEDERAL REGISTER in final form. Before approving significant regulations, the Assistant Secretary for Industry and Trade will be satisfied that:

a. The regulation is needed;

b. The direct and indirect effects of the regulation have been adequately considered;

c. Alternative approaches to regulations and among various types of regulations have been considered and the least burdensome of the acceptable alternatives has been chosen;

d. Public comments (including those from State and local governments) have been considered and an adequate response has been prepared;

e. The regulation is written in simple and clear English and is understandable to those who must comply with it;

f. An estimate has been made of the new reporting burdens or recordkeeping requirements necessary to carry out the regulation;

g. The cost to the Government and to the public have been assessed;

h. The name, address and telephone number of a knowledgeable official is included in the publication; and

i. A plan for periodically evaluating the effectiveness of the regulation after its issuance has been developed.

.04 Regulations which are not significant shall be accompanied by a statement to that effect when published in the FEDERAL REGISTER.

Section 5. Regulatory analysis.

.01 A regulatory analysis shall be prepared for each significant regulation determined to have potential major economic consequences for the general economy, for individual industries, geographic regions, levels of government, or specific elements of the population.

.02 Bureau heads shall determine which significant regulations require regulatory analysis. While these officials should be guided by the individual needs of their specific programs and may require an analysis for any proposed regulation, at a minimum a regulatory analysis shall be prepared for each regulation which:

a. During any one year of its existence, can be expected to result in increased cost(s) (direct or indirect) to consumers, businesses, Federal, and State and local governments exceeding $50 million;

b. During any one year of its existence, can be expected to result in increased costs (direct or indirect) to either consumers, businesses, or levels of governments exceeding $25 million;

c. During any one year of its existence, can be expected to result in an increase or decrease in costs or prices of five percent or more for the activity, product(s) and/or service(s) affected by the proposed regulation;

d. Can be expected to reduce labor productivity by one percent or more in the economic activity or sector(s) affected by the regulation;

e. Can be expected to reduce employment by five percent or more in the economic activity or sector(s) affected by the regulation;

f. Can be expected to result in a one percent or more decline or rise in supply or consumption of materials, products or services, in the activity affected;

g. Can be expected to result in a clearly identifiable decline in domestic or international competition, including such factors as limitation of market entry, restraint of market information, or other impediments to the functioning of the market system; or

h. Can be expected to redirect supplies of material, equipment, products or services from one market to another by a significant amount.

.03 A regulatory analysis shall also be prepared when:

a. The Assistant Secretary for Industry and Trade determines that such an analysis should be performed; or

b. The Secretary determines that such an analysis should be performed.

.04 A regulatory analysis must involve a careful examination of alternative approaches early in the decision-making process. Thus, each analysis must include, at the minimum:

a. A succinct statement of the problem;

b. A description of the major alternative ways of dealing with the problems that were considered; and

c. An analysis of the economic consequences of each of these alternatives and a detailed explanation of the reasons for choosing one alternative over the others.

.05 The notice of proposed rulemaking for each regulation for which a regulatory analysis is required shall include:

a. An explanation of the regulatory approach that has been selected or is favored;

b. A short description of the other alternatives considered;

c. The major reason(s) for selecting or favoring a particular alternative; and

d. A statement of how the public may obtain a copy of the draft regulatory analysis.

.06 a. The Assistant Secretary for Industry and Trade shall transmit the draft regulatory analysis along with the proposed regulation to the Chief Economist for review and comment at least 15 days prior to submission of a notice of proposed rulemaking to the FEDERAL REGISTER; and

b. The Assistant Secretary for Industry and Trade shall inform the Chief Economist as early as possible of the nature and extent of the analysis being undertaken to assure adequate opportunity for consultation and assistance.

.07 Bureau heads shall consider public comments on their regulatory analysis and prepare a final regulatory analysis to be made available when the final regulations are published. Significant public comments on the analysis shall be summarized and responded to in the preamble to the final regulation.

.08 Regulatory analyses are not required in rulemaking proceedings pending as of March 23, 1978, if an Economic Impact Statement has already been prepared in accordance with Executive Order 11821 and 11949 or it has been determined that such a statement was not needed.

Section 6. Review of Existing Regulations.

.01 Bureau heads shall review existing regulations administered by their organization at least every four years to determine whether they are achieving the policy goals of Executive Order 12044 and report their findings to the Assistant Secretary for Industry and Trade.

.02 Bureau heads shall consider the following criteria, among other things, in reviewing existing regulations:

a. The continued need for the regulation;

b. The availability of alternative approaches to the regulation;

c. The type or number of complaints or suggestions received;

d. The burdens imposed on those directly or indirectly affected by the regulation;

e. The cost to the Government of administration of the regulation;

f. The need to simplify or clarify language;

g. The need to eliminate overlapping and duplicative regulations; and

h. The length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

.03 Procedures for review of existing regulations shall, at a minimum, contain the following procedural steps:

a. Inclusion of notice of the review in the semi-annual agenda as required by section 7.02 of this order, or as appropriate, supplementation of the Department Agenda and notification to the Assistant Secretary for Policy as called for in section 7.08 of this order;

b. A determination of whether the regulation meets the criteria established for identifying significant regulations;

c. If the regulation is determined to be significant, approval by the Assistant Secretary for Industry and Trade as called for in section 4.02b before proceeding with the review;

d. A determination of whether the regulation meets the criteria established for determining if a regulatory analysis must be performed.

e. If applicable, the preparation of a regulatory analysis in accordance with the procedures established;

f. If the review results in a determination that a regulation should be amended or rewritten, compliance with public notice and participation requirements;

g. If applicable, Assistant Secretary for Industry and Trade approval of significant regulations before final publication in the FEDERAL REGISTER as set forth in section 4.03 of this order.

Section 7. Regulatory Agenda.

.01 No later than December 1, 1978, and every six months thereafter, each bureau head shall provide the Senior Deputy Assistant Secretary for Industry and Trade with a regulatory agenda.

.02 Each regulatory agenda shall include the following:

a. A description of regulations under development or being considered for development to include to the extent feasible:

1. A statement of whether the regulation has been determined to be a significant regulation;

2. The need for and the legal basis for the action being taken;

3. A statement as to whether or not a regulatory analysis will be required;

4. The name and telephone number of a knowledgeable official to whom comments on the planned regulation may be addressed;

5. A listing of the major issues likely to be considered in developing the regulation;

6. A tentative plan for obtaining public comment and where applicable, a tentative plan for consulting with State and local governments;

7. Proposed dates for the completion of steps in the development process; and

8. Information of the status of all new, significant regulations listed in previous agendas until such time as these regulations are published as final in the FEDERAL REGISTER.

b. A list of existing regulations scheduled to be reviewed, including the name and telephone number of a knowledgeable official for each such regulation;

c. Information on the status of existing regulations previously scheduled for review; and

d. A list, including the date and FEDERAL REGISTER citation, of all final regulations published in the FEDERAL REGISTER during the previous six months.

.03 The Senior Deputy Assistant Secretary for Industry and Trade shall review all bureau head agendas and, after consultation with such Industry and Trade Administration officials as may be deemed appropriate, recommend to the Assistant Secretary for Industry and Trade:

a. Which regulations not determined to be significant by the bureau heads should be treated as significant;

b. Which of the new regulations under development or being considered for development should be brought to the attention of the Secretary prior to being published in the FEDERAL REGISTER in final form; and

c. In addition to those identified by the bureau head, which new regulations under development or being considered for development require a regulatory analysis.

.04 The Senior Deputy Assistant Secretary for Industry and Trade shall advise bureau heads of the decisions made by the Assistant Secretary for Industry and Trade with respect to these recommendations.

.05 Using the bureau head agendas, as modified by the Assistant Secretary for Industry and Trade, the senior Deputy Assistant Secretary for Industry and Trade shall prepare an overall Industry and Trade Administration agenda. This agenda, after approval by the Assistant Secretary for Industry and Trade, shall be submitted to the Assistant Secretary for Policy by January 15, 1979, and every six months thereafter.

.06 The Industry and Trade Administration agenda shall include the information required by section .02 above.

.07 Supplements to the Department Agenda may be published whenever it becomes apparent that development or review of significant regulations not listed in the previous Department Agenda will commence before the publication of the next Department Agenda; or development or review of a regulation listed in the provious Department Agenda will not commence as scheduled.

.08 Bureau heads will notify the Assistant Secretary for Industry and Trade, who will in turn immediately notify the Assistant Secretary for Policy whenever it becomes apparent that development or review of regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda or development or review of a regulation listed in the previous Department Agenda will commence as scheduled.

Section 8. Public Participation.

.01 The public shall be given an early and meaningful opportunity to participate in the development of the regulations of the Industry and Trade Administration.

.02 Bureau heads shall consider a variety of ways to provide this opportunity, including, but not limited to:

a. Publishing an advance notice of proposed rulemaking;

b. Holding open conferences or public hearings;

c. Sending notices of proposed regulations to publications likely to be read by those affected;

d. Notifying interested parties directly; and

e. Providing for more than one cycle of public comments.

.03 If none of the methods listed in paragraph .02 of this section are used in a particular rulemaking covered by this order, the preamble accompanying the final regulation shall briefly explain the reasons and indicate what other steps were taken to assure adequate opportunity for public participation.

.04 The public shall be given at least 60 days to comment on proposed significant regulations. Exceptions to this requirement may be granted only by the Assistant Secretary for Industry and Trade and only in those few instances where it is determined that it is not possible to comply. When an exception is made the regulation shall be accompanied by a brief statement of the reasons for a shorter time period.

.05 In instances when regulations exempted by sections 2.02 (b) and (e) of this order do not comply with the procedures set forth in this order, their publication in the FEDERAL REGISTER shall be accompanied by a statement of the reasons why the procedures of this order could not be followed. This statement shall include the name of the policy official responsible for the determination.

.06 Regulations exempted by section 2.02 (b) or (e) of this order shall be

issued in interim form only. FEDERAL REGISTER publication of these regulations will provide for a public comment period of at least 60 days and republication in final form after public comments have been considered and appropriate modifications, if any, made.

ITA is considering for initial review the following regulations:

Regulation, CFR Citation, and Contact Point

Export Administration Regulations Commodity Control List and Related Matters, 15 CFR 399, Rauer Meyer, 202-377-4293.

Operation of the priorities and allocations systems between Canada and the United States (DPS Reg. 2), 32A CFR 652, Robert Francis, 202-377-4506.

Compliance and enforcement procedures (DPS Reg. 3), 32A CFR 653, Robert Francis, 202-377-4506.

Instruments and Apparatus for Educational and Scientific Institutions, 15 CFR 301, Richard Seppa, 202-377-2925.

China Trade Act Corporations, 15 CFR 363, Harry Stringer, 202-377-3647.

Joint Export Associations, 15 CFR 366, Samuel Cerrata, 202-377-4577.

Determination of Bona Fide Motor-Vehicle Manufacturers, 15 CFR 315, Edward Smith, 202-377-4338.

Foreign-Trade Zones Board (Administrative support is provided to the Foreign-Trade Zones Board staff by ITA), 15 CFR 400, John DaPonte, 202-377-2862.

Public comments received on this draft report during the next 60 days will be considered in preparing a revised report for submission to the Office of Management and Budget for approval before final publication in the FEDERAL REGISTER.

Comments should be submitted to: Industry and Trade Administration, Freedom of Information Records Inspection Facility, Room 3012, Main Building, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Requests for further information should be directed to: Christy Carpenter, Office of the Assistant Secretary, Industry and Trade Administration, 202-377-5091; or Iain Baird, Bureau of Trade Regulation, Industry and Trade Administration, 202-377-5274.

APPENDIX F—MARITIME ADMINISTRATION (MARAD)

DRAFT REPORT—PROCESS FOR DEVELOPING REGULATIONS

Present Process for developing regulations.

Marad's principal programs are promotional (grants or contracts), or related to national defense, and have not been subject to the notice of proposed rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553). As a matter of practice, Marad has published a notice of proposed rulemaking in the FEDERAL REGISTER, and has usually allowed at least 30 days for the submission of written comments by all interested parties with respect to new regulations or amendments to existing regulations which we consider to be important. An exception to this practice has occurred where observance of such notice requirements would defeat principal objectives of the new or amended regulations. However, Marad has rarely engaged in final rulemaking without prior consultation with parties who will be directly affected.

Marad presently has no uniform policy for the development of regulations or the review of existing regulations. With respect to regulations which implement our principal programs, development or revision of regulations has usually resulted from recognition of operational problems by Marad Offices responsible for administering these programs or from complaints received, either from participants in the programs or from others affected by such regulations. Where important new regulations or major revisions of such regulations are to be drafted pursuant to requirements imposed by legislation, a committee has usually been selected, comprised of staff members involved in program administration and an attorney in the Office of General Counsel, which meets regularly to consider and draft the proposed regulation. With respect to most other efforts in developing regulations, draft proposals are initiated by Offices concerned with program administration and are submitted to the Office of General Counsel for review. Discretion is exercised as to soliciting the views of interested persons before publication of the notice of final rulemaking in the FEDERAL REGISTER.

Proposed revised procedure for developing regulations.

Marad proposes to establish a uniform procedure for developing regulations and will comply with the requirements of Department of Commerce Administrative Order 218-7 (DAO-218-7). Prior to considering in depth a proposal from any source for issuing a new or revised regulation or set of regulations, the Director of the Office with a principal responsibility for administering the program to which the regulation relates shall prepare a brief memorandum to the appropriate Assistant Administrator, with copies to the Deputy Assistant Secretary for Maritime Affairs and to the General Counsel. This memorandum shall describe the background of the proposal, the objectives of the regulation, alternative approaches to accomplish these objectives, an assessment of its potential economic impact, a tentative plan for obtaining public comment and target dates for completion of steps in the development of the regulation. The Assistant Administrator, with the concurrence of the Deputy Assistant Secretary and the General Counsel, shall make a preliminary determination as to whether the regulation is "significant" (applying criteria set forth below), so as to be subject to requirements of provisions in sections 2 or 3 of Executive Order 12044.

Significant regulations shall be published in the FEDERAL REGISTER, allowing all interested persons at least 60 days (except where circumstances to be described in the notice make a shorter period necessary) to submit written comments. With respect to all significant regulations, Marad shall consider utilizing other publications to advise interested persons of proposed rulemaking, as well as for giving advance notice of such proposed rulemaking.

If these officials determine that the regulation is significant, they shall recommend that the Assistant Secretary for Maritime Affairs (Assistant Secretary) designate those Offices (including the Office of General Counsel) to be represented on a committee

which shall evaluate the proposal and shall draft proposed regulations, where such action is considered appropriate. Should a determination be made that the proposal does not involve a significant regulation, the staff of the Office Director initiating the action shall be responsible for developing such regulation with assistance from the Office of General Counsel. Consideration shall be given to soliciting public comment, through publication or other channels of communication, of regulations that have been determined not to be significant.

Every determination with respect to whether or not a regulation is significant and the basis for such determination, using criteria described hereinafter, shall be included in a memorandum to, and shall be subject to the approval of the Assistant Secretary. The Assistant Secretary shall approve all significant regulations prior to their publication in the FEDERAL REGISTER, after determining that:

(1) The regulation is needed;

(2) Its direct and indirect effects have been adequately considered;

(3) Alternative approaches, have been considered and the least burdensome acceptable alternative has been selected;

(4) Comments have been solicited from interested persons where appropriate (including State or local government) and have been adequately considered and acknowledged responsively;

(5) The regulation is written in manner that should be comprehensible to those subject to its requirements;

(6) An estimate has been made of any new reporting or recordkeeping requirements imposed by the regulation;

(7) The name, address and telephone number of a knowledgeable official, to whom inquiries and suggestions about the proposed regulation may be submitted, is included in the publication; and

(8) A plan has been developed for evaluating the regulation after its issuance.

Regulations which are not significant shall be accompanied by a statement to that effect when published in the FEDERAL REGISTER.

Semiannually, in January and July, Marad will prepare and submit for Department approval a regulatory agenda which describes regulations under development or being considered, which will include the information required in section 7.02 of DAO 218-7.

Criteria for significant regulations.

Significant, within the scope of section 2 of Executive Order 12044, means a regulation that:

(1) Is required by law to implement provisions thereof relating to the operation of any major Marad programs, including, but not limited to financial assistance for vessel construction or operations, reservation of cargo for United States vessels, vessel insurance, citizenship requirements and matters relating to the United States Merchant Marine Academy and State Maritime Academies;

(2) Is expected to have major economic consequences on the general economy or have a substantial impact on levels of production or employment, either at the national level or in any geographic area, of U.S. shipbuilders, vessel operators, port facility operators, or related industries or segments thereof;

(3) Overlaps or has a substantial effect on regulations in effect or functions of another Federal or State governmental body; or

(4) Is considered by the Assistant Secretary to involve an important matter on which there is current substantial public interest or controversy).

Criteria for regulatory analysis.

The committee responsible for developing a significant regulation or set of regulations shall submit a copy of a summary of the problems and possible courses of action to the Office of Policy and Plans for an evaluation of the probable economic impact of the regulation upon the general economy, individual industries, geographical regions or levels of Government. The Office of Policy and Plans shall issue an opinion, subject to the approval of the Assistant Secretary, as to whether the proposed regulation may have major economic consequences of any type upon the United States economy, any segment of industry or any level of Government. If a determination is made that there may be major economic consequences, a Regulatory Analysis shall be prepared. The draft Regulatory Analysis shall be made available for public inspection, and reference thereto shall be made in the notice of proposed rulemaking with respect to any regulation if:

(1) During any one year of its existence, it can be expected to result in an effect (direct or indirect) on the national economy of $50 million or more;

(2) During any one year of its existence, it can be expected to result in an effect (direct and indirect) exceeding $25 million in the economy of any State;

(3) It can be expected to produce at least a 5 percent reduction in the level of activity or employment in the U.S. shipbuilding industry, the U.S. ship operating industry, or the U.S. port industry;

(4) It can be expected to produce at least 5 percent reduction in the level of industrial activity or employment in any local area (e.g., city, county, port authority region);

(5) It can be expected to produce at least a 10 percent reduction in the U.S. tax revenues derived from the shipbuilding, ship operating, or port industry; or

(6) During any one year of its existence, it can be expected to result in an increase of cost of price of 5 percent or more for the specific maritime service(s) affected by its provisions.

Each draft Regulatory Analysis shall include—

(1) A succinct statement of the reason for issuing the regulation;

(2) Major alternatives to the regulation that have been considered;

(3) An analysis of the respective economic consequences of the regulation and alternative approaches; and

(4) A detailed explanation of the reasons for choosing the alternative favored or selected.

Review of existing regulations.

Each Marad Office, which has a principal function of administering programs to which existing regulations relate, shall systematically review each regulation to determine its effectiveness. A review of all existing regulations shall be completed by the end of calendar year 1979. In determining the priorities of review, the criteria proposed by the Assistant Secretary for principal consideration are:

(1) Whether the regulation has been reviewed within the preceding five years;

(2) If there is a substantial question of the continuing need for regulations in any area of agency activity;

(3) Receipt of complaints from other agencies, State or local governments or the public;

(4) Recognition by program administrators of the need for simplification, clarification, consolidation with other existing regulations, or elimination of conflicts with Marad regulations or those of other governmental agencies.

Marad presently is considering an initial review of the regulations described below:

Subject and regulations

Temporary removal of prohibition of vessels built with construction-differential subsidy (CDS) from carrying oil from Alaska in the domestic trade, 46 CFR Part 250.

Conservative Dividend Policy—Restriction on the payment of dividends by vessel operators receiving operating differential subsidy (ODS), 46 CFR Part 283.

ODS for bulk cargo vessels engaged in worldwide services—essential service and U.S. foreign service requirement, 46 CFR Part 252.21.

Regulations governing awards of ODS—Agreements and payments of ODS, 46 CFR Part 280.

Application for CDS; applications under sections 804, 805 (a) and (d) and 605(b) Merchant Marine Act, 1936 for waivers of restrictions imposed on vessel operators receiving ODS, 46 CFR Part 251.1, 251.21.

Fair and reasonable rates for the transportation of preference cargoes by vessels, 46 CFR Part 254 (new).

Guarantees of obligations issued to finance vessel construction, 46 CFR Part 298.

War Risk Insurance where insurance not available from conventional sources, 46 CFR Part 308.

ODS—carriage of grain to USSR—determination of subsidy; abatement of subsidy, 46 CFR Part 294.7, 294.9.

Regulations for U.S. Maritime Service, a voluntary organization to train U.S. citizens for service on U.S. merchant vessels, 46 CFR Part 310, Subpart B.

Any inquiries about the procedure described herein or the regulations proposed for review should be directed to Richard P. Knutsen, Assistant General Counsel for Legislation and Regulations, Maritime Administration, Washington, D.C. 20230, telephone 202-377-3159.

APPENDIX G—NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

[45 CFR Part 2012]

PROMULGATION AND REVIEW OF NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION REGULATIONS

AGENCY: National Fire Prevention and Control Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Administrator of the National Fire Prevention and Control Administration (NFPCA) is authorized and directed by the Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 278 f, 42 U.S.C. 290(a)), "the Act", to carry out certain fire prevention and control programs. Section 21(b) of the Act authorizes the Administrator to "establish such rules, regulations and procedures as are necessary to carry out the provisions of [the] Act." To carry out his responsibilities under the Act, the Administrator has found it necessary, and will likely find it necessary, to issue rules and regulations. This rule sets out the procedures by which such regulations will be promulgated. it further provides for the review of existing regulations, on a continuing basis.

Subpart A of the rule contains the purpose, scope and definitions. Subpart B of the rule sets out the method and the procedure for issuing regulations. Subpart C establishes the circumstances under which a regulatory analysis shall be accomplished and the procedure for such an analysis. Subpart D establishes the procedure for the review of existing regulations and for the preparation of a regulatory agenda (to include a listing of proposed regulations, and a schedule for review of existing regulations). Subpart E contains some general administrative provisions.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Moreland, Chief Counsel, National Fire Prevention and Control Administration, U.S. Department of Commerce, P.O. Box 19518, Washington, D.C. 20036, telephone 202-632-9685.

SUPPLEMENTARY INFORMATION: On March 23, 1978, the President signed Executive Order 12044, "Improving Government Regulations". The policies of that Executive Order, the Department of Commerce, and this rule are: the promulgation of only those regulations which are necessary the provision for maximum public participation in regulatory affairs, the continuous review of existing regulations, and the special analysis of significant regulations.

To comply with Section 5 of Executive Order 12044, the following information is provided:

NFPCA has not published a detailed system for the promulgation of regulations. Nonetheless, it has followed procedures consistent with the notice and comment rulemaking requirements of the Administrative Procedure Act. In one rulemaking, a Notice of Proposed Rulemaking was published with a ninety-day comment period. Comments were received and the final publication occurred several months later.

In the second, more complex rulemaking, NFPCA followed a distinctly different process. Extensive consultations were held with and correspondence exchanged between the Office of the Chief Counsel, NFPCA, the General Counsel of the Department of Commerce, the General Counsel of the Department of Treasury, and the Office of Legal Counsel, Department of Justice. After the consultation and review, a Notice of Proposed Rulemaking was published with a sixty-day comment period. Simultaneously, the draft regulations were submitted to the State Fire Marshals, the State Attorneys General, the Mayors of some of the largest cities of each state, the heads of the legal staff of many federal agencies, and safety officers within some federal agencies. During the comment period, meetings were held with fire service officials in several states, with fire service officials employed by federal agencies, and inquiries, via telephone and the mails, were responded to. The comments were reviewed and the final regulations were published in the FEDERAL REGISTER and were soon thereafter published in the agency newsletter, FIREWORD, which is distributed free of charge to over 20,000 fire service, academic, and governmental personnel.

Subpart B, which sets forth a new process for developing and reviewing regulaltions, is published below for comments to be consistent with Executive Order 12044 and departmental regulations. Under the new process, 45 CFR Part 2010, "Reimbursement for Costs of Firefighting on Federal Property", and 45 CFR Part 2011, "Public Safety Awards to Public Safety Officers", are to be reviewed first.

To carry out the policies of the Executive Branch as announced in Executive Order 12044, applicable regulations of the Department of Commerce and the policies of the Administrator, NFPCA, Title 45 of the Code of Federal Regulations is amended by establishing a new Part 2012, as follows:

Subpart A—Purpose, Scope, Definitions

Sec.
2012.01 Purpose.
2012.02 Scope.

Sec.
2012.03 Definitions.

Subpart B—Issuing Regulations

2012.11 Advanced notice of proposed rulemaking and public participation.
2012.12 Agency head oversight before developing new regulations.
2012.13 Notice of proposed rulemaking.
2012.14 Agency head approval before issuing final regulations.

Subpart C—Regulatory Analysis of Regulations with Major Economic Consequences

2012.21 Determination of need for regulatory analysis.
2012.22 Contents of regulatory analysis.
2012.23 Procedure for regulatory analysis.

Subpart D—Agenda of Proposed Regulations and Review of Existing Regulations

2012.31 Agenda of proposed regulations.
2012.32 Review of existing regulations.

Subpart E—General Administrative Provisions

2012.41 Changes to this rule.
2012.42 Effects of other laws.

AUTHORITY: Section 21(b)(5), Pub. L. 93-498, 88 Stat. 1535 (15 U.S.C. 2218(b)(5)) and Executive Order 12044, "Improving Government Regulations" (March 23, 1978).

Subpart A—Purpose, Scope, Definitions

§ 2012.01 Purpose.

(a) On March 23, 1978, the President issued Executive Order 12044, "Improving Government Regulations" which requires that regulations shall not impose unnecessary burdens on the economy, on individuals, on public or private organizations or on State and local governments. The Executive Order requires that regulations shall be developed by a process that insures that:

(1) The need for and purposes of the regulation are clearly established;

(2) Heads of agencies and policy officials exercise effective oversight;

(3) Opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, organizations and individual members of the public;

(4) Meaningful alternatives are considered and analyzed before the regulation is issued; and

(5) Compliance costs, paperwork and other burdens on the public are minimized.

(b) It is the policy of the National Fire Prevention and Control Administration, as determined by the Administrator, NFPCA, that NFPCA regulations shall be imposed only where necessary and after the maximum feasible participation. It is also the purpose of these rules to establish a continuous review of existing regulations.

§ 2012.02 Scope.

This rule applies to all rulemaking pursuant to Section 1 of the Administrative Procedure Act (5 U.S.C. 553) and to regulations which establish conditions for financial assistance. This rule does not apply be regulations issued in accordance with 5 U.S.C. 556 and 557, to matters related to agency management or personnel, and to regulations that are issued in response to an emergency or which are governed by short-term statutory or judicial deadlines. In these cases, the head of the agency shall publish in the FEDERAL REGISTER a statement of the reasons why it is impracticable or contrary to the public interest for the agency to follow the procedures of these regulations. The statement shall include the name of the policy official responsible for this determination.

§ 2012.03 Definitions.

The "Act" means the Federal Fire Prevention and Control Act of 1974 (Pub. L., 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 278f, 42 U.S.C. 290(a)].

"Agency Head" means the Administrator of the National Fire Prevention and Control Administration.

"Agenda" means the semi-annual listing of proposed regulations and existing regulations to be reviewed.

"Major economic consequences" means any regulation which:

(1) During any one year of its existence, can be expected to result in an effect (direct and indirect) on the economy of $50 million or more;

(2) During any one year of its existence, can be expected to result in an effect (direct or indirect) on either consumers, industries, levels of government, or geographic regions exceeding $25 million;

(3) During any one year of its existence, can be expected to result in an increase of costs or prices of 5 percent or more for the specific activity, product(s) and/or service(s) affected by the proposed rule or regulation;

(4) Can be expected to reduce labor productivity by 1 percent or more in the item which is the unit of focus in the regulation;

(5) Can be expected to reduce employment by 5 percent or more in the activity which is the unit of focus in the regulation;

(6) For the particular market(s) affected, can be expected to result in a 1 percent or more decline in supply of materials, products or services, or a 1 percent or more increase in consumption of these materials, products or services as direct or indirect result of the regulation; or

(7) For the particular market(s) affected, can be expected to result in a decline in competition as a result of the regulation. Factors to be considered include limitation of market entry, restraint of market information, or other restrictive factors that impede the functioning of the market system.

"Regulations" means actions of the agency which are required by the Administrative Procedure Act (5 U.S.C. 553) to be carried out pursuant to informal rulemaking and rules and regulations which establish conditions for financial assistance. Not included in this definition are regulations issued in accordance with the formal rulemaking procedures of the Administrative Procedure Act (5 U.S.C. 556 and 557), matters related to agency management or personnel, regulations related to Federal Government procurement, regulations issued in response to an emergency or which are governed by short-term statutory or judicial deadlines. Also not included in this definition are regulations which govern the administration or management of grants (except rules which establish conditions for receipt of financial assistance), cooperative agreements, leases, and other agreements entered into between the agency and any other party.

"Significant Regulations" means regulations:

(1) Which would substantially affect the expenditure of the funds for one program area which are not expended for personnel and administrative purposes;

(2) Which would substantially and nationally affect fire service, State or local government fire prevention and control planning, management, or operations;

(3) Which would substantially add to the involuntary reporting and compliance burden of NFPCA funding recipients;

(4) Which would substantially and nationally affect competition; or

(5) Which would have a substantial negative impact on the programs of any other Federal agency.

Subpart B—Issuing Regulations

§ 2012.11 Advanced notice of proposed rlemaking and public participation.

Prior to the decision to develop a regulation, an advanced notice of proposed rulemaking shall be published in the FEDERAL REGISTER.

(a) Advanced notices of proposed rulemaking may be issued by the agency head, by an Associate Administrator, by the Superintendent of the National Academy for Fire Prevention and Control or by the Chief Counsel of the agency.

(b) The contents of advanced notices of proposed rulemaking shall be consistent with requirements of the FEDERAL REGISTER and shall include the following:

(1) The name of the agency, the issuing official, the official assigned to direct the project out of which the notice arises, and his address and telephone number,

(2) A solicitation of written comments from the public, with a deadline of no less than 45 days following publication of the advanced notice,

(3) A description of the problem for which the notice is issued,

(4) A description of known solutions to the problem for which the notice is issued, including solutions which have been proposed or considered and solutions which may be proposed or considered, and

(5) Information available on additional publication, conferences or meetings, which are scheduled or to be scheduled on the subject of the notice.

(c) Other devices to encourage public participation shall be used to the fullest extent feasible, including: seminars, hearings, publication, and notification of those directly interested.

§ 2012.12 Agency head oversight before developing new regulations.

After the deadline for public comment under an advanced notice of proposed rulemaking, after any further steps to encourage public participation have been taken and before an agency proceeds to develop new regulations, the agency head shall:

(a) Determine whether a new regulation is to be developed,

(b) For all new regulations:

(1) Review the issues to be considered.

(2) Review the alternative approaches to be explored.

(3) Establish a plan for obtaining additional public comment.

(4) Establish target dates for the completion of steps in the development of the regulations.

(5) Determine whether the regulation is a significant regulation.

(c) For new significant regulations:

(1) Determine that the proposed regulation is needed.

(2) Determine that the direct and indirect effects of the regulation have been adequately considered.

(3) Determine that alternative approaches have been considered and the least burdensome of the acceptable alternatives have been chosen.

(4) Determine that public comments have been considered and an adequate response has been prepared.

(5) Determine that State and local government officials have been consulted, when there is significant intergovernmental impact.

(6) Determine that the regulation is written in plain English and is understandable to those who must comply with it.

(7) Determine that an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation.

(8) Determine that the name, address and telephone number of a knowledgeable agency official are included in the publication.

(9) Establish a plan for evaluating the regulation after its issuance has been developed.

§ 2012.13 Notice of proposed rulemaking.

(a) After approval by the agency head, new regulations shall be published in the FEDERAL REGISTER as a Notice of Proposed Rulemaking.

(b) The Notice of proposed rulemaking shall include:

(1) Information in the form required by the FEDERAL REGISTER and applicable regulations,

(2) A public comment period of no less than 60 days,

(3) A draft of the proposed regulations,

(4) For regulations that are not siginficant regulations, a statement that they are not significant,

(5) for regulations with major economic consequences:

(i) An expanantion of the regulatory approach that has been selected or is favored,

(ii) A short description of the other alternatives considered,

(iii) A statement of how the public may obtain a copy of the draft regulatory analysis, and

(6) For significant regulations or regulations with major economic consequences which may potentially have a substantial affect on State or local governments:

(i) A statement of how advice from the government was obtained,

(ii) A summary of the nature of the comments, and

(iii) A statement that consultations occurred sufficiently early in the decisionmaking process to influence the action.

(c) All feasible methods of encouraging public participation shall, in addition, be used, including conferences and public hearings, notices of proposed regulations to publications likely to be read by those affected and notification of interested parties directly.

§ 2012.14 Agency head approval of final issuance.

The agency head shall approve all final regulations before they are formally issued for publication in the FEDERAL REGISTER.

(a) The agency head shall determine whether the final regulations are significant.

(1) If they are, he shall review the determinations and actions of § 2012.12C and shall see that they are accurate.

(2) If the determination and actions of § 2012.12C were not made, he shall make them.

(b) If the regulations have major economic consequences, the final publication shall include:

(1) A notice of a final regulatory analysis, and where a copy of it may be obtained,

(2) An explanation of the regulatory method selected, and

(3) A discussion of alternative regulatory methods and why the selected method prevailed.

(c) The contents and form of the publication of final regulations shall be as required by the FEDERAL REGISTER and the code of Federal Regulations.

(d) For regulations which are not significant, a statement to that effect shall be a part of the final publication.

Subpart C—Regulatory Analysis of Regulations with Major Economic Consequences

§ 2012.21 Determination of need for regulatory analysis.

A regulatory analysis shall be conducted for all regulations with major economic consequences or for any regulation at the discretion of the agency head before the Notice of Proposed Rulemaking and before the final issuance of the regulation.

§ 2012.22 Contents of regulatory analysis.

Each regulatory analysis shall contain:

(a) A succinct statement of the problem,

(b) A description of the major alternative ways of dealing with the problem that were considered by the agency,

(c) An analysis of the economic consequences of each of these alternatives,

(d) A detailed explanation for choosing one alternative over the others, and

(e) Where there is significant intergovernmental impact, a statement of:

(1) Efforts to consult with State and local officials,

(2) The nature of State and local government comments, and

(3) How the agency dealt with the comments.

§ 2012.23 Procedure for regulatory analysis.

(a) The agency head shall be rsponsible for applying the criteria of § 2012.21 to determine if a regulatory analysis is necessary.

(b) The agency head must approve a draft regulatory analysis before new regulations with major economic consequences are published as a notice of proposed rulemaking.

(c) The agency head must approve a final regulatory analysis for all new regulations with major economic consequences prior to issuance as a final regulation.

(d) Agency head approvals shall be based on a determination that the regulatory analysis:

(1) Satisfies the requirements of the Executive Order, applicable Department of Commerce regulations, and these rules, particularly § 2012.22, and

(2) Satisfied whatever additional requirements the agency head has imposed.

(e) The agency head shall submit draft regulatory analyses to the Chief

Economist, at least 15 days before publication.

Subpart D—Agenda of Proposed Regulations and Review of Existing Regulations

§ 2012.31 Agenda of proposed regulations.

(a) By January 15, 1979, and every six months thereafter, the agency head shall submit a regulatory agenda to the Assistant Secretary for Policy.

(b) The regulatory agenda shall include the following:

(1) A description of regulations under development or being considered for development, including, to the extent feasible:

(i) A statement of whether the regulation has been determined to be a significant regulation;

(ii) The need and the legal basis for the action being taken;

(iii) A statement as to whether or not a regulatory analysis will be required;

(iv) The name and telephone number of a knowledgeable official;

(v) A listing of major issues likely to be considered in developing the regulation;

(vi) A tentative plan for obtaining public comment and, where applicable, for consulting with State and local governments;

(vii) Proposed dates for completing steps in the development process; and

(viii) Information on the status of all proposed significant regulations listed in previous agendas until these regulations are published as final in the FEDERAL REGISTER.

(2) A list of existing regulations scheduled to be reviewed, including the name and telephone number of a knowledgeable official for each such regulation;

(3) Information on the status of existing regulations previously scheduled for review; and

(4) A list, including the date and FEDERAL REGISTER citation, of all final regulations published in the FEDERAL REGISTER during the previous six months.

§ 2012.32 Review of existing regulations.

(a) The agency head shall periodically (at least semiannually) review all existing regulations to determine whether they are achieving the goals of agency policy, these regulations, and the policies of the Executive Order 12044 "Improving Government Regulations" (March 23, 1978).

(b) In reviewing existing regulations, the agency head shall consider:

(1) The continued need for the regulation,

(2) The type and number of complaints or suggestions received regarding the regulation,

(3) The burdens imposed on those directly or indirectly affected by the regulations,

(4) The need to simplify or clarify language,

(5) The need to eliminate overlapping and duplicative regulations, and

(6) The length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

(c) When the review in B, above, indicated that further evaluation of a regulation is warranted, the same procedural steps outlined for the development of new regulations in §§ 2012.12, 2012.13, and 2012.14 shall be followed.

Subpart E—General Administrative Provisions

§ 2012.41 Changes to this rule.

The contents and procedures established by this rule do not apply to amendments, modifications, or additions to this rule.

§ 2012.42 Effects of other law.

This rule is not intended to create delay in the regulatory and administrative processes or provide new grounds for judicial review. Nothing in this rule shall be considered to supersede existing statutory obligations governing rulemaking.

Dated: ——————

HOWARD D. TIPTON,
Administrator, National Fire Prevention and Control Administration.

APPENDIX H—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

I. *Changes in the Existing Rulemaking Process.*

The process for developing regulations within NOAA already incorporates many of the improvements suggested by Executive Order 12044 and Departmental Administrative Order 218-7, particularly with respect to soliciting and incorporating public participation and comment as early in the development process as practicable. For example, under the Coastal Zone Management Act, State and local governments and other interested parties affected by regulations are consulted by rulemakers at an early stage in the regulatory development process. All segments of NOAA freely use the local press to reach the public for comments involving local issues, and NOAA rulemakers liberally publish advance notice of proposed rulemakings when such a procedure is deemed justified and helpful. In addition, NOAA generally employs a comment period of at least sixy days for major regulations, and has, where desirable, utilized more than one round of comments.

On the other hand, the procedures established by Departmental Administrative Order 218-7 change the NOAA regulatory development process in significant ways. Whereas previously the Administrator has delegated substantial rulemaking authority to Assistant Administrators, he is now personally brought into the rulemaking process at a much earlier stage, at least with regard to significant regulations. Furthermore, NOAA previously has had no formalized criteria for determining the significance of regulations, or for identifying which of its existing regulations needed review. The new rulemaking procedures place much greater stress on developing alternatives to ascertain that the least burdensome alternative is chosen. We anticipate that by scrutinizing alternatives to a contemplated regulation early in the decisionmaking process, certain regulations which otherwise would have been promulgated will be found to be unnecessary or undesirable. Finally, NOAA anticipates that Departmental Administrative Order 218-7, as supplemented herein, will provide a structural framework which provides consistency and clarity to our rulemaking procedures.

II. *Criteria for Determining the Significance of Regulations.*

A contemplated regulation shall be considered "significant" if it——

(a) Creates a major impact upon the environment or economy;

(b) Affects a large number of individuals, businesses, organizations, State or local governments;

(c) Places burdensome recordkeeping and reporting requirements on the public;

(d) Has an integral relationship either to the regulations of other programs and agencies or to major Departmental policy issues; or

(e) Is the subject of controversy or significant public interest.

III. *Criteria for Identifying Which Regulations Require Regulatory Analysis.*

A. *Office of Fisheries.*

A regulatory analysis shall be prepared for all regulations of the Office of Fisheries which:

(a) During any one year of its existence, can be expected to result in an effect (direct and indirect) on the economy of $20 million or more;

(b) During any one year of its existence, can be expected to result in an effect (direct and indirect) on either consumers, industries, levels of government, or geographic region exceeding $10 million;

(c) During any one year of its existence, can be expected to result in an increase of cost or price of five percent or more for the specific activity, product(s) and/or service(s) affected by the proposed rule or regulation;

(d) Can be expected to reduce labor productivity by 1 percent or more in

the item which is the unit of focus in the regulation;

(e) Can be expected to reduce employment by five percent or more in the sector of the fishing industry which is the unit of focus in the regulation;

(f) For the particular market(s) affected, can be expected to result in a ten percent or more decline in supply of materials, products or services, or a ten percent or more increase in consumption of these materials, products or services as direct or indirect result of the regulation; or

(g) For the particular market(s) affected, can be expected to result in a decline in competition as a result of the regulation. Factors to be considered include limitation of market entry, restraint of market information, or other restrictive factors that impede the functioning of the market system.

(h) During any one year of its existence, can be expected to result in a decrease in revenues or profits of ten percent or more in the sector of the fishing industry directly affected by the regulation.

A regulatory analysis shall also be prepared when:

(i) In the judgment of the Administrator, such an analysis would benefit the decisionmaking process and/or promote more informed public participation; or

(j) The Secretary determines, in accordance with Departmental Administrative Order 218-7, that such an analysis should be performed.

B. *All Other NOAA Elements.*

A regulatory analysis shall be prepared for all regulations other than those of the Office of Fisheries which:

(a) During any one year of its existence, can be expected to result in an effect (direct or indirect) on the economy of $50 million or more;

(b) During any one year of its existence, can be expected to result in an effect (direct or indirect) on either consumers, industries, levels of government, or geographic region exceeding $25 million;

(c) During any one year of its existence, can be expected to result in an increase of cost or price of five percent or more for the specific activity, product(s) and/or service(s) affected by the proposed rule or regulation;

(d) Can be expected to reduce labor productivity by 1 percent or more in the item which is the unit of focus in the regulation;

(e) Can be expected to reduce employment by five percent or more in the activity which is the unit of focus in the regulation;

(f) For the particular market(s) affected, can be expected to result in a one percent or more decline in supply of materials, products or services, or a one percent or more increase in consumption of these materials, products or services as direct or indirect result of the regulation; or

(g) For the particular market(s) affected, can be expected to result in a decline in competition as a result of the regulation. Factors to be considered include limitation of market entry, restraint of market information, or other restrictive factors that impede the functioning of the market system.

A regulatory analysis shall also be prepared when:

(h) In the judgment of the Administrator, such an analysis would benefit the decisionmaking process and/or promote more informed public participation; or

(i) The Secretary determines, in accordance with Departmental Administrative Order 218-7, that such an analysis should be performed.

A regulatory analysis shall be prepared in conformance with Departmental Administrative Order 218-7, section 5.04. If data is lacking or there are questions about how to determine or analyze points of interest, the problem should be noted in the draft regulatory analysis so as to help elicit the necessary information during the public comment period on the notice of proposed rulemaking.

IV. *Criteria for Determining the Existing Regulations to be Reviewed.*

The Assistant Administrators shall be responsible for an initial selection and subsequent periodic selections of existing regulations for review and possible revocation or revision. In selecting regulations to be reviewed, and establishing priorities, the responsible Assistant Administrators shall select those regulations—

(1) For which there is no continued need;

(2) Which have been the subject of a number of complaints or suggestions;

(3) Which impose heavy burdens on those directly or indirectly affected by the regulation;

(4) Which need to be clarified or simplified;

(5) Which overlap and duplicate other regulations; or

(6) Which have not undergone evaluation for a period of four or more years.

An existing regulation selected for review shall remain in full effect until such time as it may be revised or revoked.

V. *Existing Regulations Selected for Initial Review.*

The following existing regulations have been selected for initial review:

Regulation	Reasons for selection	Contact person
15 CFR Pt. 931—Coastal Energy Impact Program.	(1) Has been the subject of complaints, comments, and criticisms (2) Need to clarify and simplify (3) Anticipated change in statutory language by Outer Continental Shelf Lands Act Amendments.	James Robey, telephone 634-4249, Office of Coastal Zone Management, 2001 Wisconsin Ave. NW., Room 372, Page Bldg., Washington, D.C.
50 CFR 620—FCMA Citations	NOAA effort to simplify and consolidate our civil penalty procedures under the 6 statutes authorizing such penalties.	Stan Pitkin, telephone 206-399-0329, Building 25, Room 23, 7500 Sand Point Way NE., Seattle, Wash.
50 CFR 621—FCMA Civil Procedures		
50 CFR 218—Subpt. C—Marine Mammals—Civil Procedures.	do	Do.
50 CFR 219—Marine Mammals—Seizure and forfeiture Penalties.	do	Do.
50 CFR 216—Subpt. F—Taking and Importing of Marine Mammals.	do	Do.
50 CFR 285.6—Atlantic Tuna Fisheries—Civil Procedures.	do	Do.
50 CFR 246—Transportation of Wildlife—Civil Penalties Under Lacey Act.	do	Do.
15 CFR 922—Subpt. D—Marine Sanctuaries—Enforcement.	do	Do.
15 CFR 903—Public Information—Implementation of the Freedom of Information Act.	Length of time until regulation issued or evaluated	Jay Johnson, telephone 703-443-8066, Room 627, 6100 Executive Blvd., Rockville, Md. 20852.
50 CFR Pt. 210—Renegotiated INPFC	Authorizing legislation underlying international agreement has been changed or eliminated.	Carmen J. Blondin, telephone 202-634-7267, Assistant Director for International Fisheries, Room 240, Page Bldg. 2, 330 Whitehaven St. NW., Washington, D.C. 20235.

Regulation	Reasons for selection	Contact person
Pts. 240 and 241—Withdrawal From ICNAF.	do	Do.
Pt. 295—Repeal of the Bartlett Act	do	William P. Allen, telephone 202-634-7265, Special Agent Enforcement Division, Room 361, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 201—Field Organization of the National Marine Fisheries Service.	Length of time since regulation issued or evaluated	Robert K. Crowell, telephone 202-634-7405, Executive Officer, Room 428A, Page Bldg. 2, 330 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 215—Pribilof Islands Administration of Marine Mammals.	do	Donald R. Johnson, telephone 206-442-7575, Regional Director, Northwest Region, NMFS, 1700 West Ave. North, Seattle, Wash. 98109.
Pt. 216—Taking and Importing Marine Mammals (except § 216.24).	do	William F. Jensen, telephone 202-634-7461, Marine Mammal Division, Room 410B, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pts. 217 through 225—Endangered Species Act and Fish and Wildlife Act—Implementation.	do	Robert B. Gorrell, telephone 202-634-7461, Endangered Species Specialist, Room 406A, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235
Pt. 230—Whaling Provisions (except native subsistence)—Enforcement of Whaling Convention Act.	do	Richard B. Roe, telephone 202-634-7461, Acting Chief, Marine Mammal and Endangered Species Division, Room 410C, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 245—Offshore Shrimp Fisheries Act—Implementation.	do	William H. Stevenson, telephone 813-893-3141, Regional Director, Southeast Region, NMFS, 9450 Koger Blvd., St. Petersburg, Fla. 33702.
Pt. 246—Transportation of Wildlife	do	Morris M. Pallozzi, telephone 202-634-7265, Chief, Enforcement Division, Room 361, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pts. 245 through 259—Subch. F—Aid to Fisheries.	do	Michael L. Grable, telephone 202-634-7496, Chief, Financial Assistance Division, Room 312, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pts. 260 through 279—Subch. G—Processed Fishery Products.	do	James R. Brooker, telephone 202-634-7458, Food Technologist, Seafood Quality and Inspection Division, Room 380, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 281—Restrictions on Tuna Imports—Inter-American Tropical Tuna Convention.	do	Carmen J. Blondin, telephone 202-634-7267, Assistant Director for International Fisheries, Room 240, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 290—Fishery Marketing Cooperatives Restraint of Trade.	do	Joseph W. Slavin, telephone 202-634-7261, Assistant Director For Fisheries Development, Room 300, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 301—Pacific Halibut Fisheries and the International Pacific Halibut Commission.	do	William H. MacKenzie, telephone 202-634-7257, Foreign Affairs Officer, Room 249, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 401—Anadromous Fisheries Conservation, Development, and Enhancement Under the Anadromous Fisheries Conservation Act.	do	Paul R. Nichols, telephone 202-634-7434, Fishery Administrator, Room 340, 3300 Whitehaven St. NW., Washington, D.C. 20235.

VI. *Comments*

Any comments on this report should be directed in writing to: Michael A. Levitt, Office of General Counsel, National Oceanic and Atmospheric Administration, Washington, D.C. 20230, telephone 377-4080.

APPENDIX I—THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

I. *Introduction.*

The National Telecommunications and Information Administration was established effective March 26, 1978. It absorbed the functions of the Office of Telecommunications Policy in the Executive Office of the President (with exceptions explained in Executive Order 12046, "Relating to the Transfer of Telecommunications Functions") and the Office of Telecommunications in the Department of Commerce.

NTIA does not have, nor did its predecessor offices have, any established procedures for issuing regulations covered by Executive Order 12044 and the Department's implementing administrative order, DAO 218-7. NTIA does have regulations governing the management of Federal agency use of radio frequencies, and procedures for issuing them. Because these regulations are related to the management of Federal agencies, Executive Order 12044 does not apply to them (see Section 6(b)(3)). Thus, NTIA has no regulations covered by the order.

NTIA now proposes to establish, for any future regulations covered by Executive Order 12044 and DAO 218-7, the following: (1) a process for developing them; (2) criteria for deciding which of them are significant under Section 2 of the order; and (3) criteria for identifying which of them require regulatory analysis under Section 3 of the order. Criteria for selecting existing regulations to be reviewed under section 4 of the order will be established concurrently with NTIA's first issuance of regulations covered by the order.

Comments upon this draft report should be addressed to: U.S. Department of Commerce, National Telecommunications and Information Administration, Office of Chief Counsel, Washington, D.C. 20504.

II. *Process for Developing Regulations.*

The NTIA proposed process requires the preparation and approval of an issue paper before the development of *any* regulation(s) covered by Executive Order 12044. The issue paper must undergo staff review and be submitted for approval to the Assistant Secretary for Communications and Information, who is also the Administrator of NTIA (hereinafter called the Administrator). The issue paper must cover (1) the need, purpose and alternatives required by Section 1 of the Executive order; (2) whether the regulation is significant under Section 2(e) of the order and NTIA criteria (Part III of this draft report); (3) whether a regulatory analysis is required under Section 3 of the order and NTIA criteria (Part IV of this draft report); and (4) plans for compliance with all applicable requirements of the order and the Department's Administrative Orders. One of the plans must show exactly how the opportunity will be provided for early participation and comment by other Federal agencies, State and local governments, businesses, organizations, and individuals, as required by Section 1(c) of the order. In preparing this plan, consideration will be given to (1) publishing an advance notice of proposed rulemaking, (2) holding open conferences or public hearings, (3) sending notices of proposed regulations to publications likely to be read by those affected; and (4) notifying interested parties directly, and the plan will include the method(s) which are most appropriate to the regulation(s) proposed to be developed.

As NTIA begins to develop *any* regulation(s), the information from the approved issue paper, which is necessary to public understanding of the issues and process to be followed, will be made public by following the issue paper's plan for providing an early opportunity for participation and comment. Notice of development of a *significant* regulation will also be published in the Department's Semiannual Agenda of Significant Regulations, or a supplement to the agenda.

Development will proceed in compliance with the order. After appropriate analysis and consideration of public comments, a Notice of Proposed Rulemaking will be prepared for staff review and approval of the Administrator or Secretary (or Deputy Administrator if the regulation is not significant). After publication of the notice in the FEDERAL REGISTER and circulation to the appropriate media as set forth in the issue paper's plan for providing an early opportunity for participation and comment, the resulting comments will be analyzed. A notice of the final regulation (which includes a plan for subsequent evaluation) will be prepared for staff review and final approval of the officer who approved the Notice of Proposed Rulemaking. Upon approval, the notice will be appropriately published and put into effect.

III. *Criteria for Identifying Significant Regulations.*

NTIA presently has no specific plans or programs for issuing regulations covered by the Executive order. Thus, except for the Department's minimum criteria for requiring regulatory analysis, NTIA has nothing with which to compare our proposed specific criteria, nor to judge their reasonableness.

We have prepared two economic criteria, which are based upon the Department's minimum standards. In all other respects, NTIA must use general criteria until the opportunity occurs to develop specific regulations. The following have been prepared for the area of telecommunications and information in general, and are intended to serve as an interim check list to aid in deciding whether a proposed regulation would have a significant effect on the *status quo*. The criteria are as follows:

Criteria for Identifying Significant Regulations. A regulation shall be considered significant if it appears at the time of evaluation that:

(a) During any one year of its existence, the regulation can be expected to result in an effect (direct or indirect) on the economy of $30 million or more;

(b) During any one year of its existence, the regulation can be expected to result in an effect (direct or indirect) on either consumers, industries, levels of government, or geographic regions exceeding $15 million;

(c) It will have some other economic impact which is large enough to require regulatory analysis (Part IV);

(d) It will have a substantial effect upon the availability of the radio spectrum resource, other telecommunication resources, information resources, or upon the use of any of these resources;

(e) It will have a substantial effect upon a telecommunications or information equipment or service industry, or the structure of one or more such industries, and is likely to be perceived as important to any such industry;

(f) It will have a substantial effect upon users of telecommunications or information resources, equipment or services (for example, by significantly limiting or expanding users' ability or opportunity to use them, or the range of choices available to users), or upon non-users, and is likely to be perceived as important to users or non-users; or

(g) It will require a substantial change in the existing relationships among suppliers and users of telecommunications and information goods and services, or upon their relationships with non-users.

In applying these criteria, the following factors, at least, shall be considered:

(1) The type and number of individuals, businesses, organizations, State and local governments affected;

(2) The compliance and reporting requirements likely to be required or changed;

(3) The direct and indirect effects of the regulation including the effect on competition;

(4) The relationship of the regulation to those of other programs and agencies;

(5) The relationship of the regulation to major Departmental policy issues;

(6) The degree of controversy over, or public interest in, the regulation; and

(7) The probable social impact of the regulation.

IV. *Criteria for Determining Whether Regulatory Analysis is Required.*

For the reasons explained at the beginning of Part III, NTIA has no specific basis for deciding whether its criteria for determining whether regulatory analysis is required should be more rigorous than, or otherwise different from, the minimim criteria for the Department set forth in Section 5 of DAO 218-7. Thus, until NTIA does have a specific basis for issuing, and does issue, new criteria, a regulatory analysis must be prepared for all regulations which meet or exceed any of the criteria set forth in subsections .02 and .03 of section 5 of the Department Administrative Order.

V. *Existing Regulations.*

As was explained in the introduction to this report, NTIA has no regulations covered by Executive Order 12044. Criteria for selecting existing regulations to be reviewed under Section 4 of the order will be established concurrently with NTIA's first issuance of regulations covered by the order.

APPENDIX J—OFFICE OF MINORITY BUSINESS ENTERPRISE

The Office of Minority Business Enterprise (OMBE) coordinates Federal activities designed to assist minority business, stimulates private sector efforts in support of minority enterprise, and provides financial assistance to private and public organizations that provide management and technical assistance to minority businessmen, as authorized by Executive Order 11625.

The following draft report is provided as required by Section 5 of Ex-

ecutive Order 12044, improving Government Regulations:

1. This agency has never issued regulations, and prior to the issuance of Executive Order 12044 no process for developing regulations had been established. Since then the Department of Commerce, to implement the order, has developed draft Department Administrative Order 218-7, which prescribes procedures for issuing departmental regulations. OMBE has adopted the identical process for issuing its regulations, except as provided below.

2. The Director has determined that all regulations of the agency will be considered significant.

3. If the Director determines that a regulation has potential major economic consequences, a regulatory analysis must be performed. The criteria to be used in determining when a regulation has major economic consequences, and what such an analysis must include, are found in Section 5 of Department Administrative Order 218-7. If the Director determines a regulation has no potential major economic consequences, a regulatory analysis need not be done, unless in the director's judgment such an analysis would be beneficial.

4. Existing regulations will be reviewed not less frequently than every four years. The procedures to be followed in any review of existing regulations are described in Section 6.04 of Department Administrative Order 218-7. Since this agency has no existing regulations, an initial review cannot be done. Criteria for reviewing existing regulations will be developed when OMBE begins to issue regulations.

Any comments on this report should be addressed to: Barry K. Robinson, Chief Counsel, Office of Minority Business Enterprise, 14th and Constitution Avenue NW., Washington, D.C. 20230, 202-377-5641.

APPENDIX K—OFFICE OF REGIONAL ECONOMIC COORDINATION

Description of Process.

The Deputy Under Secretary of Commerce, who serves as the Special Assistant to the Secretary for Regional Economic Coordination, carries out the duties of the Secretary of Commerce under Executive Order 11386 and Title V of the Public Works and Economic Development Act of 1965, as amended, which establishes the Regional Action Planning Commission program. The Deputy Under Secretary heads the Office of Regional Affairs and Program Coordination, which includes the Office of Regional Economic Coordination (OREC). OREC assists the Deputy Under Secretary in meeting the duties under Title V which include the development of guidelines for the use of Title V funds and liaison with the Regional Commission and with the Federal Cochairman to the Commissions. By delegation of authority from the Secretary (DAO 15-7 dated 11-18-77), the Deputy Under Secretary adopts appropriate regulations applicable to Commission activities in order to carry out the provisions of Title V.

The Commissions are partnerships between the Federal Government and the States which comprise the economic development regions designated by the Secretary pursuant to 42 U.S.C. 3181. Each Commission prepares a long-range economic development plan for its Region and undertakes the funding of economic development planning activities, studies and demonstration projects and the supplemental funding of other Federal grant-in-aid programs.

The Department's regulations on Title V relate to the administration and management of the program by the Commissions and limitations on the use of funds. No regulation controls how businesses and consumers conduct their economic activities, nor do any regulations direct a Commission to make expenditures in any particular program or geographic area within the applicable Region. By the terms of the legislation creating the program, each Commission has a great deal of discretion in choosing specific activities and projects to be assisted.

Because the program is limited in scope, the OREC staff is small and the regulations have no major impact on the public, there are no formal procedures for developing regulations. However, the process of development always has and will continue to have the following elements:

(a) Examination of the need for a regulation or guideline as the means to resolve a problem or to implement legislation.

(b) Consultation with the Federal Cochairmen to the Commissions and Commission principals in order to draft, review, and re-draft any proposals.

(c) Keeping the Commission Governors informed of major developments.

(d) Publication of proposed rule in the FEDERAL REGISTER and solicitation of comments and suggestions from the public.

(e) Consideration of comments and re-drafting of proposals as needed.

(f) Publication of final regulations. In response to the President's Order and Department of Commerce Administrative Order (DAO) 218-7, the Deputy Under Secretary and the Office of Regional Economic Coordination will modify regulation development procedures in order to—

(1) Apply criteria and requirements specified in the Order and in DAO 218-7 to different stages of the development process;

(2) Identify significant regulations early in the development process in order to implement requirements applicable to significant regulations;

(3) Prepare a regulatory analysis for significant regulations in order to aid the Deputy Under Secretary in the decision-making process;

(4) Estimate new reporting burdens and recordkeeping requirements;

(5) Insure that alternatives to the regulatory approach are thoroughly considered;

(6) Check more carefully the language and format of the rules in order to achieve understandability ("plain English"); and

(7) Develop a plan for future evaluation of the regulations.

OREC will involve all affected parties in the development process and plans to institute intergovernmental consultation procedures for significant regulations as required in the President's memorandum of March 23, 1978, to the heads of executive departments and agencies (concerning consultation with State and local Governments).

Criteria for Defining Significant Regulations.

The Deputy Under Secretary finds the following to be significant regulations for the purposes of Executive Order 12044 and DAO 218-7:

(a) Any program regulation developed to implement a future Congressional authorization for a new Regional Commission program area.

(b) Any change in program regulations or any new regulations which will require Regional Commissions—

(1) To make major shifts of funds or major reprogrammings of funds—

(i) For the initiation of new programs or major new policies, or

(ii) For substantially increased financial activity in an existing program area or the substantial augmentation or abatement of an existing program;

(2) To undertake a major redirection of a program activity.

Performance of Regulatory Analysis.

The Deputy Under Secretary will require the Development and use of a regulatory analysis in accordance with DAO 218-7 for each significant regulation as defined above.

Review of Existing Regulations.

The Deputy Under Secretary and the Office of Regional Economic Coordination will review all of the Title V regulations in accordance with the policy of Executive Order 12044. The initial review over the next six months will concentrate on the following Parts of Chapter V, Title 13, code of Federal Regulations:

530: Review of Commission Long-Range Economic Plans.

540: Grants for Administrative Expenses of Commissions.

550: Technical and Planning Assistance by the Secretary and the Commissions.

560: Supplemental Grants to Other Federal Grant-in-Aid Programs.

580: Coordination under the Title V Program.

Within one year this Office will have reviewed all of the regulations in 13 CFR, Chapter V—the remainder dealing with the designation of regions, regional boundaries, commission administration, specific commission demonstration project authorities, and interagency evaluation and coordination. During the next year, each time the review of a set of regulations is completed, OREC will establish a schedule for its subsequent review, at least as often as every two years.

Contact Official.

Ms. Frances Pappas, Program Development Officer, Office of Regional Economic Coordination, Department of Commerce, Room 2092, Main Commerce Building, Washington, D.C. 20230, 202-377-5174.

APPENDIX L—OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND TECHNOLOGY

1. *Brief description of the process in the Office of the Assistant Secretary for Science and Technology for developing regulations and the changes that have been made to comply with Executive Order 12044.*

The Office of the Assistant Secretary of Commerce for Science and Technology is composed of the following: the immediate Office of the Assistant Secretary; two offices—the Office of Product Standards and the Office of Environmental Affairs; and three primary operating units of the Department—the National Bureau of Standards, the Patent and Trademark Office and the National Technical Information Service.

Although, prior to the issuance of EO 12044, there were no written procedures in the Office of the Assistant Secretary for Science and Technology for developing regulations, this Office followed the rulemaking procedures set out in 5 U.S.C. 553.

Within the Office of the Assistant Secretary for Science and Technology, for all organizations, except the Patent and Trademark Office (PTO), rulemaking generally has been initiated by the agency head or one of his immediate subordinates, with the agency head's approval. Drafts of rulemaking documents are prepared, reviewed, and cleared by the agency head and the Assistant General Counsel for Science and Technology and signed by the agency head. All proposed rules are published for public comment in the FEDERAL REGISTER for a comment period of at least 30 days. In some cases an informal public hearing may be scheduled, in addition to the submission of written public comment. All comments as a result of the publication in the FEDERAL REGISTER and the transcript of the hearing, if one has been held, are analyzed. This analysis, as well as all public comments, are filed in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, where all members of the public may examine them or request copies. The rule is then published in the FEDERAL REGISTER.

The procedure which has been used in PTO is briefly described as follows:

Initiation. Rulemaking generally has been initiated by the agency head or one of his immediate subordinates with the agency head's approval.

Planning. Alternative approaches are considered, program personnel are consulted, an initial clearance by the Solicitor is obtained, and a tentative plan is established.

Preparation, Clearance and Signature. Drafts of rulemaking documents are prepared, reviewed, cleared by the initiating official and the Solicitor, and signed by the agency head as the issuing official. The drafts are then reviewed by the Assistant General Counsel for Science and Technology before being submitted to the Assistant Secretary for Science and Technology, who signs as the approving official.

Public Participation. Rulemaking proposals are published for public comment in the FEDERAL REGISTER and the Official Gazette (weekly PTO publication of patent and trademark matters, authorized under 35 U.S.C. 11). A hearing may be scheduled. Advance notice of proposed rulemaking is published in the Official Gazette in certain cases, e.g., where alternatives exist and the proposal can be narrowed to focus on the best alternative.

Promulgation. The comments submitted by the public, and the transcript of the hearing, if one has been held, are analyzed, the proposal is revised if necessary and a notice of final rulemaking is prepared, signed by the agency head and the Assistant Secretary for Science and Technology and published in the FEDERAL REGISTER and the Official Gazette.

All public comments and a summary and analysis document are filed in Room 11E10 of Crystal Plaza Building 3, 2021 Jefferson Davis Highway, Arlington, Va., where all members of the public may examine them or request copies.

Following the issuance of EO 12044 the Assistant Secretary for Science and Technology issued a directive which prescribes for all organizations under the Assistant Secretary's jurisdiction procedures which incorporate the requirements of EO 12044 and draft DAO 218-7. The organizations to which the directive applies are the Patent and Trademark Office, National Bureau of Standards, National Technical Information Service, Office of Product Standards and Office of Environmental Affairs. That directive is attached as Tab A to this notice.

2. *Proposed criteria for defining significant agency regulations.*

See section 4.01 of Tab A which provides:

.01 Any regulation issued within the Office of the Assistant Secretary for Science and Technology shall be deemed significant for the purpose of this directive.

3. *Proposed criteria for identifying regulations which require regulatory analysis.*

Section 5 of Tab A sets forth the criteria proposed by the Assistant Secretary for Science and Technology for identifying regulations which required regulatory analysis.

4. *Proposed criteria for selecting existing regulations to be reviewed and a list of regulations selected for intensive review.*

See section 6.01 of Tab A which provides:

.01 Existing regulations issued within the Office of the Assistant Secretary for Science and Technology shall be reviewed annually to determine whether they are achieving the policy goals of EO 12044.

The review shall consider, among other things, matters cited at section 6.02e. of the directive. The regulations to be reviewed this year are:

15 CFR Part 240—dealing with Barrels and Other Containers for Lime;

15 CFR Part 241—dealing with Barrels for Fruits, Vegetables and Other Dry Commodities, and for Cranberries;

37 CFR sections 1.15, 1.65, 1.107, 1.244, 1.344 and 1.345, dealing with patents; and

37 CFR sections 2.27, 2.64-2.65, 2.91-2.136, 2.141-2.142, 2.146-2.148, 2.165, 2.173 and 2.184, dealing with trademarks.

Persons desiring to comment on the following draft report should send their comments to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230.

The person to be contacted for information concerning this draft report is Robert B. Ellert, Assistant General Counsel for Science and Technology, Room 3859, U.S. Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230, telephone 202-377-5394.

DIRECTIVE TO HEADS OF ORGANIZATIONS WITHIN THE OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND TECHNOLOGY

PROCEDURES FOR ISSUING REGULATIONS

Section 1. Purpose.

The purpose of this directive is to implement Executive Order 12044 of

March 23, 1978, Improving Government Regulations, and DAO 218-7, Issuing Department Regulations, for organizations within the Office of the Assistant Secretary for Science and Technology.

Section 2. Scope.

.01 Except as provided in paragraph .02 of this section, this directive applies to all regulations issued by organizations under the jurisdiction of the Assistant Secretary for Science and Technology (hereinafter, the Assistant Secretary), published in the FEDERAL REGISTER.

.02 Unless specifically noted to the contrary, this directive *does not* apply to:

a. Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557);

b. Regulations issued with respect to a military or foreign affairs function of the United States;

c. Matters related to agency management or personnel, including matters dealing with providing the public with an agency's services;

d. Regulations related to Federal Government procurement;

e. Regulations that are issued in response to an emergency or which are governed by short-term (less than 91 days) statutory or judicial deadlines; or

f. Prodecures and their implementing specifications governing voluntary compliance programs and standards wherein parties in the private sector may, on their own volition, choose whether or not to participate and may withdraw at any time.

Section 3. Definitions.

.01 *Agency head.* As used in this directive, "agency head" means the Assistant Secretary and the Director, National Bureau of Standards, Commissioner, Patent and Trademark Office and the Director, National Technical Information Service, and persons serving in those positions in an acting capacity. The functions of the agency head may not be delegated.

.02 *Regulation(s).* As used in this directive, "regulation(s)" means both rules and regulations issued by components of the Department, including those which establish conditions for financial assistance. Closely related sets of regulations shall be considered together.

Section 4. Significant regulations.

.01 Any regulation issued within the Office of the Assistant Secretary for Science and Technology shall be deemed significant for the purpose of this directive.

.02 Before proceeding to develop significant new regulations the agency head shall have reviewed the items in subsection .03 of this section and, as appropriate, any other relevant issues. Furthermore, the agency head shall have reviewed the alternative approaches to be explored; a tentative plan for obtaining public comment; and, where applicable, a tentative plan for consultation with state and local governments; and the agency head shall have established a target date for completion of steps in the development of the regulation.

.03 Agency heads shall approve significant regulations before they are published in the FEDERAL REGISTER in final form. Before approving significant regulations, these officials should be satisfied that:

a. The regulation is needed;

b. The direct and indirect effects of the regulation have been adequately considered;

c. Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

d. Public comments (including those from state or local governments) have been considered and an adequate response has been prepared;

e. The regulation is written in plain English so that it is understandable to those who must comply with it;

f. An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

g. The name, title, address and telephone number of a knowledgeable official is included in the publication; and

h. A plan for evaluating the regulation after its issuance has been developed.

.04 Agency heads may, except where otherwise required by law, in their discretion, refer regulations which they believe to be of particular importance to the Assistant Secretary or through the Assistant Secretary to the Secretary for approval.

Section 5. Regulatory Analysis.

.01 A regulatory analysis shall be prepared for each significant regulation determined to have potential major economic consequences for the general economy, for individual industries, geographic regions, levels of government, or specific elements of the population.

.02 Since a regulatory analysis is designed to aid decisionmakers in promulgating effective regulations, the criteria established should consider the characteristics of their specific programs. However, at a minimum, a regulatory analysis shall be prepared for all regulations which:

a. During any one year of its existence, can be expected to result in an effect (direct and indirect) on the economy of $50 million or more;

b. During any one year of its existence, can be expected to result in an effect (direct or indirect) on either consumers, industries, levels of government, or geographic region exceeding $25 million;

c. During any one year of its existence, can be expected to result in an increase of cost or price of five percent or more for the specific activity, product(s) and/or service(s) affected by the proposed rule or regulation;

d. Can be expected to reduce labor productivity by one percent or more in the item which is the unit of focus in the regulation;

e. Can be expected to reduce employment by five percent or more in the activity which is the unit of focus in the regulation;

f. For the particular market(s) affected, can be expected to result in a one percent or more decline in supply of materials (including energy), products or services, or a one percent or more increase in consumption of these materials (including energy), products or services as direct or indirect result of the regulation; or

g. For the particular market(s) affected, can be expected to result in a decline in competition as a result of the regulation. Factors to be considered include limitation of market entry, restraint of market information, or other restrictive factors that impede the functioning of the market system.

.03 A regulatory analysis shall also be prepared for any regulation, when:

a. In the judgment of the agency head such an analysis would improve the decisionmaking; or

b. The Secretary determines, in accordance with DAO 218-7, that such an analysis should be performed.

Section 6. Review of Existing Regulations.

.01 Existing regulations issued within the Office of the Assistant Secretary for Science and Technology shall be reviewed annually to determine whether they are achieving the policy goals of Executive Order 12044.

.02 Procedures for review of existing regulations shall, at a minimum, contain the following procedural steps:

a. Inclusion of notice of the review in the semi-annual agenda as required by section 7.02 of this directive, or as appropriate, supplementing the Department Agenda as called for in section 7.03, and notification to the Assistant Secretary as called for in section 7.04 of this directive;

b. Agency head oversight as called for in section 4.02, before proceeding with the review;

c. A determination of whether the regulation meets the criteria established for determining if a regulatory analysis must be performed, and, if so, preparing a regulatory analysis in ac-

cordance with the procedures established under DAO 218-7;

d. If the review results in a determination that a regulation should be amended or rewritten, compliance with public notice and participation requirements of this directive and DAO 201-9, concerning consultation with state and local governments; and agency head approval of significant regulations before final publication, as set forth in section 4.03 of this directive; and

e. In reviewing existing regulations under this section the agency head shall consider the following:

1. The continued need for the regulation;

2. The type and number of complaints or suggestions received;

3. The burdens imposed on those directly or indirectly affected by the regulation;

4. The need to simplify or clarify language;

5. The need to eliminate overlapping and duplicative regulations; and

6. The degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

Section 7. Regulatory Agenda.

.01 No later than January 8, 1979, and every six months thereafter, each agency head shall submit its regulatory agenda to the Assistant Secretary. By January 15, 1979, and every six months thereafter, the Assistant Secretary shall submit the regulatory agenda for the Office of the Assistant Secretary for Science and Technology to the Assistant Secretary for Policy.

.02 Each regulatory agenda shall include the following:

a. A description of regulations under development or being considered for development, including, to the extent feasible:

1. The need and legal basis for the action being taken;

2. A statement as to whether or not a regulatory analysis will be required;

3. The name, title, and telephone number of knowledgeable official;

4. A listing of major issues to be considered in developing the regulation;

5. A tentative plan for obtaining public comment and, where applicable, a tentative plan for consulting with state and local governments;

6. Proposed dates for completing steps in the development process; and

7. Information on the status of all proposed, significant regulations listed in previous agendas until these regulations are published as final in the FEDERAL REGISTER.

b. A list of existing regulations scheduled to be reviewed, including the name, title, and telephone number of a knowledgeable official for each such regulation;

c. Information on the status of existing regulations previously scheduled for review; and

d. A list, including the date and FEDERAL REGISTER citation, of all final regulations published in the FEDERAL REGISTER during the previous six months.

.03 Agency heads shall publish supplements to the Department Agenda whenever it becomes apparent that development or review of significant regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda or development or review of a regulation listed in the previous Department Agenda will not commence as scheduled.

.04 Agency heads shall immediately notify the Assistant Secretary whenever it becomes apparent that development or review of regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda. the Assistant Secretary shall immediately notify the Assistant Secretary for Policy on this matter.

Section 8. Secretarial Approval.

Whenever, under DAO 218-7, Issuing Departmental Regulations, Secretarial approval of a regulation is required, the agency head shall no later than 25 days prior to the proposed date for publication in the FEDERAL REGISTER in final form, submit the regulation to the Assistant Secretary for approval and transmittal to the Secretary.

Section 9. Public Participation.

.01 The public shall be given an early and meaningful opportunity to participate in development of all the regulations.

.02 Agency heads shall, as appropriate, consider a variety of ways to provide this opportunity, including, but not limited to:

a. Publishing an advance notice of proposed rulemaking;

b. Holding open conferences or public hearings;

c. Sending notices of proposed regulations to publications likely to be read by those affected;

d. Notifying interested parties directly; and

e. Providing for more than one cycle of public comments.

.03 If none of the methods listed in paragraph .02 of this section are used in a particular rulemaking covered by this directive, the preamble accompanying the final regulation shall briefly explain the reasons and indicate what other steps were taken to assure adequate opportunity for public participation.

.04 The public shall be given at least 60 days to comment on proposed significant regulations. Exceptions to this requirement may be granted only by the agency head and only in those few instances where it is determined that it is not possible to comply. When an exception is made, the regulation shall be accompanied by a brief statement of the reasons for the shorter time period.

.05 Regulations exempted by section 2.02(e) of this directive (emergencies or short-term deadlines) shall, when published in the FEDERAL REGISTER, be accompanied by a statement of the reasons why it is impracticable or contrary to the public interest to follow the procedures of this directive. This statement shall include the name and title of the policy official responsible for the determination.

.06 Regulations exempted by section 2.02(b) (military or foreign affairs functions) or (e) of this directive shall be issued in interim form only. FEDERAL REGISTER publication of these regulations will provide for a public comment period of at least 60 days and republication in final form after public comments have been considered and appropriate modifications, if any, made.

_____,

Assistant Secretary for Science and Technology.

APPENDIX M—UNITED STATES TRAVEL SERVICE

Background: The United States Travel Service (USTS) is responsible for promoting international travel to the United States, for encouraging Americans to travel within their own country, and for reviewing applications of U.S. cities interested in hosting international expositions. The regulatory functions of the agency are limited, currently consisting only of (1) procedural regulations governing applications of States, cities and nonprofit organizations for matching grants to promote international tourism to the United States (15 CFR Part 1200); and (2) procedural regulations setting forth the criteria for applications for Federal recognition of international expositions (15 CFR Part 1202).

USTS does not have an established procedure for developing new regulations. As a general rule, proposed regulations are published, and interested parties are given 30 days in which to comment. Final regulations, when issued, take any comments received into account.

Regulatory agenda.

By January 15, 1979, and every 6 months thereafter, the Assistant Secretary for Tourism will submit a regulatory agenda to the Assistant Secretary for Policy. This agenda will include a description of regulations under development or being considered for development during the next 6 months. To the extent possible, it

will include statements concerning whether the regulation is a significant regulation; the need and legal basis for the action being taken; and whether a regulatory analysis is required. It will also provide the name and telephone number of a knowledgeable official; a listing of major issues likely to be considered in developing the regulation; a tentative plan for obtaining public comment (including consultation with State and local governments, where appropriate); proposed dates for completion of the steps in the development process; and information on the status of any proposed regulations previously listed. Finally, the regulatory agenda will include a list of existing regulations scheduled to be reviewed, including the name and telephone number of a knowledgeable official; information on the status of existing regulations previously scheduled for review; and a list of any final regulations published in the FEDERAL REGISTER during the previous 6 months, including the date of publication and FEDERAL REGISTER citation.

Procedure for developing regulations.

USTS will comply with the procedures set forth in DAO 218-7. Thus, prior to issuing any new or amended regulation, the Assistant Secretary for Tourism will ensure that the regulation is needed and is relevant to the mission of USTS; it is written in plain English and understandable to those who must comply; alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen; notice of any proposed regulation is sent to publications likely to be read by those affected; public comments are considered and an adequate response prepared prior to issuing any final regulation; and the name, address, and telephone number of a knowledgeable official is included.

Significant regulations.

In developing new regulations, any regulation which meets one or more of the following criteria will be deemed to be a significant regulation: (1) a regulation which has a substantial impact on the travel industry; (2) a regulation which has a substantial impact on the balance of payments; or (3) a regulation which is expected to generate substantial controversy or public interest. The existing regulations are not deemed to be significant, and it is not anticipated, given the present statutory framework of the agency, that any new regulations would meet the criteria for significant regulations.

Regulatory analysis.

Should a regulation be determined to be significant, USTS will apply the minimum criteria set forth in Section 5 of DAO 218-7 to determine whether regulatory analysis is required.

Review of existing regulations.

Every regulation issued by USTS will be reviewed every 2 years, or more frequently if the Assistant Secretary for Tourism so requires.

Regulations for initial review.

USTS is currently reviewing its regulation governing applications for matching grants (15 CFR Part 1200). A review of the regulation governing applications for Federal recognition of international expositions will be undertaken during CY 1979 (15 CFR Part 1202).

Contact point: Comments should be directed to: Lee J. Wells, Director, Office of Administration, United States Travel Service, 14th and Constitution Avenue NW., Washington, D.C. 20230, phone 202-377-4096.

[FR Doc. 78-14811 Filed 5-23-78; 4:33 pm]

[7910-01]

RENEGOTIATION BOARD

PROCEDURES FOR IMPROVING GOVERNMENT REGULATIONS

Solicitation of Comments

AGENCY: Renegotiation Board.

ACTION: Request for comments from interested persons.

SUMMARY: The Renegotiation Board is publishing for public comment a draft report, required by Executive Order 12044, which outlines the Board's current process for developing regulations and the changes that will be made to comply with the Executive Order; the Board's proposed criteria for defining significant agency regulations; the Board's proposed criteria for identifying which significant regulations require regulatory analysis; and the Board's proposed criteria for selecting existing regulations to be reviewed and a list of regulations which the agency will consider in its initial review. The Board will consider the comments received in drafting its final report under the Executive Order.

DATE: Comments should be received on or before August 1, 1978.

ADDRESS: Comments should be sent to the General Counsel, Renegotiation Board, 2000 M Street NW., Washington, D.C. 20446.

FOR FURTHER INFORMATION CONTACT:

Kelvin H. Dickinson, Assistant General Counsel—Secretary, Renegotiation Board, 2000 M Street NW., Washington, D.C. 20446, telephone, 202-254-8277.

SUPPLEMENTARY INFORMATION: The Renegotiation Act of 1951, as amended (50 U.S.C. App. § 1211 et seq.) (the "Act"), provides for the elimination of excessive profits on defense and space contracts and related subcontracts. Section 107 of the Act (50 U.S.C. App. § 1217) created the five member Renegotiation Board to administer the Act (the "Board"). Under the authority provided in the Act, the Board has promulgated regulations (32 CFR Parts 1450-1499) and various rules which it deems necessary and appropriate to carry out the provisions of the Act.

Pursuant to the requirements of section 5 of Executive Order 12044, 43 FR 12661, 12664 (1978), the Board is soliciting public comments concerning a draft report of its rulemaking procedures.

Comments should be addressed to the General Counsel, Renegotiation Board, 2000 M Street NW., Washington, D.C. 20446. To be considered comments should be received on or before August 1, 1978. All comments will be available for public inspection during regular business hours in the Public Information Office of the Board, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

The text of the Board's draft report follows.

Date: May 23, 1978.

GOODWIN CHASE,
Chairman.

DRAFT REPORT UNDER EXECUTIVE ORDER 12044

I. CURRENT PROCESS FOR DEVELOPING REGULATIONS

Suggestions for the development of new regulations or for changes to existing regulations are usually made by members of the Board or its staff and result from needs appearing in the course of renegotiation. Other suggestions have come from public and legislative sources.

In many instances, the Board has appointed an Ad Hoc Committee to study or develop a proposed regulation. Generally, after considering the needs giving rise to a proposal and analyzing the suggested solutions, the Ad Hoc Committee submits its report directly to the Board. On other occasions, the General counsel, upon consultation with other interested staff elements, proposes changes in the regulations to the Board.

By section 111 of the Act (50 U.S.C. App. § 1221), the functions of the Board are excluded from the operation of the Administrative Procedure Act except as to the public information requirements of section 3 thereof (5 U.S.C. § 552). However, as the result of a recommendation of the Administrative Conference of the United States, the Board, since 1971, has voluntarily utilized the public participation rulemaking procedures of the Administrative Procedure Act (5 U.S.C. § 553) to the extent practicable (see 36 FR 5877, June 12, 1971). Thus, since 1971, the public has had as opportunity to comment on all proposed changes in the Board's regulations. Such comments are analyzed by the staff and the Board before the Board issues any final regulation.

II. PROPOSED PROCEDURES FOR DEVELOPING REGULATIONS

The Board proposes to adopt the following procedures for developing regulations in order to conform its present procedures with E.O. 12044. The object of these changes is to assure that regulations will be as simple and clear as possible and will achieve legislative goals effectively and efficiently.

The Board will adopt a General Order setting forth the procedures to be followed for the initiation or review of regulations and incorporating the mandatory provisions of E.O. 12044. An outline of the proposed changes in procedure follows:

A. The Board will designate the Assistant General Counsel—Secretary to the Board as the person to whom members of the Board's staff or of the public should direct suggestions for new regulations and changes in existing regulations.

B. Suggestions received will be screened at least semiannually by the General Counsel who will recommend to the Board whether or not the proposed regulation or amendment would constitute a significant regulation. If he believes that the proposal is a significant regulation, the General Counsel will prepare a written statement for the Board's consideration, describing the issues to be considered, the alternative approaches to be explored, the tentative plan for obtaining public comment, and the target dates for completion of steps in the development of the regulation. If the Board determines that the proposed regulation or amendment is a significant one, such proposal, together with any other Board-approved proposals, will be published in the FEDERAL REGISTER as the Board's semiannual regulatory agenda. If the Board determines that a proposed regulation is not significant, a statement to that effect will be published when the regulation is proposed.

C. In the case of significant proposals, the Director, Office of Planning and Development, will prepare a regulatory analysis if required.

D. 1. On the first Monday in October, the Board will publish in the FEDERAL REGISTER a schedule showing the times during the coming fiscal year when the Board's semiannual agenda will be published.

2. The General Counsel will prepare a semiannual agenda of significant regulations under development and review, describing such regulations, the need for and legal basis for the action being taken, whether a regulatory analysis is being performed, the status of regulations previously listed on the agenda, and the name and telephone number of a knowledgeable official. After approval by the Board, the semiannual agenda will be published in the FEDERAL REGISTER. Supplements to the semiannual agenda will be published in the FEDERAL REGISTER as often as necessary to keep the public informed of the significant regulations and changes to regulations which have been proposed.

E. The Board may appoint an Ad Hoc Committee to assist in any or all of the procedures outlined here.

F. Before a proposed significant regulation is approved for publication for public comment in the FEDERAL REGISTER, the Board must determine that:

1. The proposed regulation is needed;

2. The direct and indirect effects of the regulation have been adequately considered;

3. Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

4. Public comments have been considered and an adequate response has been prepared;

5. The regulation is written in plain English and is understandable to those who must comply with it;

6. An estimate has been made of the new reporting burdens of recordkeeping requirements necessary for compliance with the regulation;

7. The name, address, and telephone number of a knowledgeable agency official has been included in the publication; and,

8. A plan for evaluating the regulation after its issuance has been developed.

G. Except in exceptional circumstances the Board will give the public at least 60 days to comment on proposed significant regulations. In instances where the Board determines that this is not possible, the regulation will be accompanied by a brief statement of the reasons for a shorter time period.

3. Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

4. Public comments have been considered and an adequate response has been prepared;

5. The regulation is written in plain English and is understandable to those who must comply with it;

6. An estimate has been made of the new reporting burdens of recordkeeping requirements necessary for compliance with the regulation;

7. The name, address, and telephone number of a knowledgeable agency official has been included in the publication; and,

8. A plan for evaluating the regulation after its issuance has been developed.

G. Except in exceptional circumstances the Board will give the public at least 60 days to comment on proposed significant regulations. In instances where the Board determines that this is not possible, the regulation will be accompanied by a brief statement of the reasons for a shorter time period.

III. SIGNIFICANT REGULATIONS

A regulation will be considered to be significant when it:

A. May affect ten percent of the contractors filing with the Board in any fiscal year; or,

B. Could result in revealing information which the Board has not disclosed under The Freedom of Information Act (5 U.S.C. § 552(b)); or,

C. Is otherwise deemed by the Board to be significant.

IV. REGULATORY ANALYSIS

A. A regulatory analysis will be performed for a regulation if:

1. It has an annual effect on the economy of $50 million or more; or,

2. It results in a $25 million increase in costs or prices for individual industries, levels of government or geographic regions; or,

3. The Board otherwise determines that a regulatory analysis should be prepared.

B. A regulatory analysis will contain:

1. A statement of the problem;

2. A description of the major alternative ways of dealing with the problem;

3. An analysis of the economic consequences of each of these alternatives; and

4. A detailed explanation of the reasons for choosing one alternative over the others.

C. When regulatory analysis is undertaken, the Board will include in its notice of proposed rulemaking an explanation of the regulatory approach that is favored, a short description of the other choices considered, and a statement of how the public may obtain a copy of the draft analysis. The Board will also prepare a final regulatory analysis to be made available when the final rule is published.

V. CRITERIA FOR SELECTING EXISTING REGULATIONS TO BE REVISED.

In selecting existing regulations to be reviewed to determine whether they are achieving the policy goals of E.O. 12044, the Board will apply the following criteria:

A. The continued need for the regulation in light of the Board's experience;

B. The type and number of complaints or suggestions received;

C. The compliance cost burden created by the regulation;

D. The need for plain English translation;

E. The need to simplify regulatory treatment of an issue; and

F. Every regulation will be reviewed at least once every five years.

VI. REGULATIONS THE BOARD WILL CONSIDER FOR INITIAL REVIEW

A. 32 CFR Part 1480—Availability and Control of Renegotiation Records and Information.

B. 32 CFR 1499.1-5 Renegotiation Ruling No. 5; Subcontracts within the scope of the Act; sales and other transfers of patents.

C. 32 CFR Part 1459—Costs Allocable to and Allowable Against Renegotiable Business.

[FR Doc. 78-14849 Filed 5-26-78; 8:45 am]

[8410-01]

U.S. WATER RESOURCES COUNCIL

IMPROVING GOVERNMENT REGULATIONS

Report on Steps Taken To Implement Executive Order 12044

This report is submitted as required by section 5 of Executive Order 12044 (the order).

(1) In developing regulations, the Water Resources Council (WRC) has and shall continue to follow the Administrative Procedures Act. The Director shall overview the development of all significant new regulations in accordance with section 2(b) of the order and shall approve such regulations before they are published. The Council will continue to notify directly interested parties or their representatives.

In order to comply with the provisions of section 2(c) of the order, WRC will, where at all possible, give the public at least 60 days to comment on its proposed regulations and will publish advance notice of proposed rulemaking.

(2) WRC is not a regulatory or enforcement agency. Accordingly, the Agency has no present regulations which are significant under the criteria of section 2(e) of the order. There are no subject areas within the present jurisdiction of the Agency in which regulations significant under those criteria would be necessary.

(3) WRC neither has in effect nor contemplates any regulations with major economic consequences within the meaning of section 3 of the order.

(4) Pursuant to section 4 of the order, WRC will select regulations for review in accordance with the criteria of section 4. In selecting regulations, the Agency will also examine the question of whether the procedures set forth in the regulations can be improved. The first significant set of regulations to be reviewed will cover grants to States for comprehensive water and related land resources planning (18 CFR Part 703).

Comments and inquiries regarding this report may be directed to James R. Readle, General Counsel, U.S. Water Resources Council, 2120 L Street NW., Washington, D.C. 20037, telephone 202-254-6303.

Dated: May 24, 1978.

LEO M. EISEL,
Director.

[FR Doc. 78-14885 Filed 5-26-78; 8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1977)

Quantity	Volume	Price	Amount
_____	Title 47—Telecommunication (Parts 0 to 19)	$5.75	$_____

[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

PLEASE DO NOT DETACH

MAIL ORDER FORM To:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find $..... (check or money order) or charge to my Deposit Account No. .....

Please send me ..... copies of:

PLEASE FILL IN MAILING LABEL BELOW

Name .....

Street address .....

City and State ..... ZIP Code .....

FOR USE OF SUPT. DOCS.

____Enclosed

____To be mailed later

____Subscription

Refund

Postage

Foreign Handling

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING YOUR ZIP CODE

SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE
BOOK

Name .....

Street address .....

City and State ..... ZIP Code .....

Vol. 43—No. 104
5-30-78
PAGES
23201-23552

federal register

BOOK 2 OF 2 BOOKS
TUESDAY, MAY 30, 1978
PART III

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

■

GUN CONTROL

Published Firearms Laws of Political Subdivisions and States

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

(Notice No. 78-3)

GUN CONTROL

Published Firearms Laws of Political Subdivisions and States

Pursuant to the provisions of Section 921(a)(19), Title 18, United States Code, and Section 178.24, Title 27, Code of Federal Regulations (27 CFR, Part 178), the following is the annual revised compiled list of published laws of States and political subdivisions relevant to the enforcement of Chapter 44, Title 18, United States Code, relating to firearms.

The list was developed from (a) State firearms statutes and (b) copies of published local firearms laws obtained through a national mail survey of political subdivisions.

The Bureau applied the following criteria in deciding which firearms laws were relevant or nonrelevant to the enforcement of 18 U.S.C., Chapter 44.

Firearms laws considered relevant to the enforcement of 18 U.S.C. Chapter 44, and therefore included in the accompanying list are those which:

1. Prohibit the sale, possession or receipt of any type of firearms or ammunition, or allow any exemption to such prohibitions;
2. Prohibit the sale, possession, or receipt of any type of firearm or ammunition to or by a particular class of persons; e.g. aliens, felons, drug addicts or mental incompetents;
3. Restrict the sale, possession or receipt of firearms such as fully automatic firearms, short barreled shotguns and rifles, and destructive devices; i.e. bombs, grenades, molotov cocktails, etc.;
4. Require waiting periods or notification to law enforcement officials before a weapon may be delivered to a purchaser;
5. Require a permit, license or I.D. card before a weapon may be sold and/or delivered to a purchaser; and
6. Restrict the age at which a person may purchase a firearm or ammunition.

Firearms laws considered nonrelevant to 18 U.S.C. Chapter 44, and therefore not included in the accompanying list are those which:

1. Prohibit the carrying of weapons such as legal handguns, long barrel rifles or shotguns, sling shots, dirks, daggers, etc. on persons or in vehicles;
2. Prohibit the discharge of weapons within city limits or on private property;
3. Require recordkeeping after sale of the firearms;
4. Require notification to local police departments of sale of firearms after the sale has been made; and
5. Require licenses for selling BB guns, sling shots, dirks, daggers, and other dangerous weapons.

This list comprises the 1978 list of published laws and implements Title 1 of the Gun Control Act of 1968 (82 Stat. 1213; 18 U.S.C. Chapter 44) and supersedes that list published on June 23, 1977 (42 FR 31962).

Signed: May 22, 1978.

REX D. DAVIS,
Director.

Alabama

State Law

Code of Ala.

14 Sec. 170. Selling, etc., pistol or bowie knife to minor. Any person who sells, gives, or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be fined not less than fifty nor more than five hundred dollars.

14 Sec. 171(1). Sale of firearms or ammunition to residents of adjoining states; purchase in adjoining states. (1) any resident of Alabama authorized to sell and deliver rifles, shotguns and ammunition may sell and deliver them to a resident of any state adjoining Alabama. Any purchaser of such firearm or ammunition may take or send it out of the state, or have it delivered to his place of residence.

(2) Any resident of Alabama who legally purchases rifles, shotguns and ammunition in any state adjoining Alabama, may take delivery of said weapons either in the state where they were purchased, or in Alabama.

14 Sec. 172. Definitions. As used in this article, unless the context requires a different meaning: "pistol" means any firearm with a barrel less than twelve inches in length; "crime of violence" means any of the following crimes, or an attempt to commit any of them, namely, murder, manslaughter, (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping, and larceny; "person" includes any firm, partnership, association or corporation.

14 Sec. 174. Certain persons forbidden to possess pistol. (a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

14 Sec. 178. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

14 Sec. 179. Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of public safety; the triplicate he shall retain for six years. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

14 Sec. 180. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed * * *.

14 Sec. 182. Certain transfers forbidden. No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to this article, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this article.

14 Sec. 184. Alteration of identifying marks prohibited. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

14 Sec. 185. Antique pistols. This article shall not apply to the purchase, possession, or sale of pistols as curiosities or ornaments or to the transportation of such pistols unloaded and in a bag, box or securely wrapped package, but not concealed on the person.

Anniston

3. No seller of a pistol shall deliver the pistol to a purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof.

4. The provisions of sections 1-3 shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6. This division shall be applicable within the corporate limits and police jurisdiction of this city and shall be construed as supplementing, in such territory, and as not in conflict with, Code of Alabama, Title 14, Sections 172 to 186.

Ardmore

Local ordinance incorporates, by reference, Alabama State Criminal Code sections.

Auburn

Sec. 15-78. Same—Delivery to minors and others prohibited. No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Bessemer

Sec. 15-169. Possession of pistol prohibited. (a) No person who has been convicted in this City or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or a habitual drunkard shall own a pistol or have a pistol in his possession or under his control.

Sec. 15-172. Delivery of pistol restricted. No person shall deliver a pistol to any person under the age of eighteen (18) years or to any person who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, habitual drunkard or of unsound mind.

Sec. 15-173. Regulation of sales. (a) No seller shall deliver a pistol to the purchaser until forty-eight (48) hours shall have elapsed from the time of the application for the purchase of the pistol. When delivered, the pistol shall be securely wrapped and shall be unloaded.

(b) At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * *.

(c) The seller shall, within six (6) hours after the application, sign and attach his address and forward by registered mail or personally deliver one (1) copy of the statement to the Chief of Police.

(d) This Section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases

by wholesalers or jobbers from manufacturers.

Sec. 15-174. License to carry; dealer. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in Section 15-171.

Birmingham

Sec. 56-3. Delivery of pistol * * * to minor. No person shall sell give or lend to any minor any pistol * * *.

Sec. 56-12. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny or the crime of attempting to commit any of the aforesaid crimes.

Exempt person. Any marshal, sheriff, prison or jail warden and his regularly employed deputies, policeman or other law enforcement officer of any state or political subdivision thereof, member of the army, navy or marine corps of the United States or of the national guard, member of the national guard organized reserves or state guard organizations, when on duty or going to or from duty, regularly enrolled member of any organization duly authorized to purchase or receive such weapons from the United States or from this state, provided such member is at or is going to or from his place of assembly or target practice, officer or employee of the United States duly authorized to carry a pistol, any person engaged in manufacturing, repairing or dealing in pistols or the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such business, any common carrier, except taxicabs, licensed as a common carrier, any person permitted by law to possess a pistol while carrying it unloaded in a secure wrapper, from the place of purchase to his home or place of business or to or from a place of repair or in moving from one place of abode or business to another.

Nonexempt person. Any person other than an exempt person.

Pistol. Any firearm with a barrel less than twelve inches in length.

Sec. 56-14. Possession by certain persons prohibited. (a) No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

* * * * *

Sec. 56-19. Sale to or possession by person under eighteen of toy pistol. No person shall expose for sale, sell or give away to any person under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded. No person under the age of eighteen years shall have in his possession or use any pistol of any kind described in this section.

Sec. 56-20. Statement required of persons desiring to purchase—Filing. At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * *; provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 56-22. Delivery to purchaser. No seller of a pistol shall deliver the pistol to a purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

Sec. 56-23. Gifts. The provisions of sections 56-20 to 56-22 shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

Sec. 56-24. Delivery to certain persons forbidden. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Brighton

1. All statutory and common law misdemeanors against the State of Alabama are hereby adopted as laws and Ordinances of the City of Brighton.

2. All criminal laws of the State of Alabama by which statutory or common law misdemeanors against the State of Alabama are determined and declared shall be adopted as laws and Ordinances of the City of Brighton, and any and all acts which under said laws of the State of Alabama are held to be misdemeanors, or punishable as such, shall be violations of the laws and Ordinances of the City of Brighton.

5. No seller, within the corporate limits of the City of Brighton, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. * * * This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Citronelle

Chapter 38

Sec. 675. Definitions. As used in this chapter the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnaping or larceny or the crime of attempting to commit any of the aforesaid crimes, and the term "exempt person" shall mean a marshal, a deputy marshal, sheriff, deputy sheriff, prison or jail warden, deputy prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms, and the term "nonexempt person" shall mean other than an exempt person.

Sec. 676. Permit to receive pistol—required. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant, or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him to receive a pistol.

It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

Sec. 677. Same—application; * * *. Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the chief of police in writing for a permit to receive a pistol. [Contact local authorities for required contents] * * *.

Sec. 682. Ex-convict not to possess pistol. No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

* * * * *

Sec. 683. Altering, obliterating or removing names or numbers from pistols. No person shall change, alter, remove or obliterate the name of the maker, model, manufac-

turer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Sec. 685. Sale to or possession by minor of toy pistol. No person shall expose for sale, sell or give away to any boy or girl under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded, and any such boy or girl having in his possession or using any pistol of any kind described in this section, shall, on conviction, be punished as provided in section 4.

Sec. 687. Delivery of pistol * * * to minor. Any person who sells, gives or lends to any minor any pistol * * * shall, on conviction, be punished as provided in section 4.

Sec. 696. Exceptions to provisions of chapter. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Daleville

1. As used in this ordinance, unless the context requires a different meaning: "pistol" means any firearm with a barrel less than twelve inches in length.

4. Any person who sells, gives, or lends to any minor any pistol * * * shall, on conviction, be fined not less than one nor more than one hundred dollars.

Dora

The city of Dora has adopted the language of state firearms laws, including sections 14.170 through 14.185, shown at the beginning of the Alabama State listing in this publication.

Dothan

* * * * *

Sec. 10-25. State misdemeanors. All laws of the State of Alabama, in effect as of October 26, 1965, and as may be adopted or amended thereafter by the State Legislature, the violation of which constitutes a misdemeanor, are hereby adopted as laws of the city.

* * * * *

Eufaula

Article VI. Weapons

Sec. 16-134. Definitions. For purposes of this article the following terms shall have the meanings ascribed to them:

Crime of violence. "Crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes.

Exempt person. The term "exempt person" shall mean a marshal, deputy marshal, sheriff, deputy sheriff, prison or jail warden, deputy prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms.

Nonexempt person. The term "nonexempt person" shall mean any person other than an exempt person.

Pistol. The term "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

Sec. 16-135. Exceptions to provisions of article. This article shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 16-136. Permit to Receive Pistol Required. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him to receive a pistol.

It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

Sec. 16-137. Same—application; * * *. (a) Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the chief of police in writing for a permit to receive a pistol. [contact local authorities for requirements] * * *.

Sec. 16-139. Sales; requirements generally. (a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof and when delivered.

(b) Said pistol shall be securely wrapped and shall be unloaded.

(c) At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * and a statement that he has never been convicted in this state or elsewhere of a crime of violence.

* * * * *

Sec. 16-144. Persons convicted of crimes of violence not to possess pistol. No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

* * * * *

Sec. 16-145. Altering, obliterating or removing names or numbers from pistols prohibited. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Sec. 16-146. Sale to or possession by minor of toy pistol. No person shall expose for sale, sell or give away to any person under the age of eighteen (18) years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded.

Any such person having in his possession or using any pistol of any kind described in this section, shall, on conviction, be punished as hereinafter provided.

Sec. 16-148. Delivery of pistol * * * to minor. Any person who sells, gives or lends to any minor any pistol * * * shall, on conviction, be punished as hereinafter provided in Section 1-14.

Florence

Sec. 15-39. Same—Selling to or use by minors. It shall be unlawful for any person to sell, give, lend or otherwise place in the possession of any minor, any pistol, firearm or other weapon which may be concealed upon the person, and it shall be unlawful for any minor to have in his possession or use any such firearm or weapon in the city.

Gadsden

Sec. 28-79. It shall be unlawful for any person to expose for sale, sell or give away any pistol or firearms of like nature in which blank cartridges or a metallic cartridge, or in which powder and balls, can be used or can be exploded unless licensed by the city.

Gardendale

Ordinance 80

* * * * *

Section 2. Definitions. As used in this Ordinance, the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaugh-

ter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes, * * *.

* * * * *

Section 6. Ex-Convict not to Possess Pistol. No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

* * * * *

Section 7. Altering, Obliterating or Removing Names or Numbers from Pistols. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Section 9. Sales to or Possession by Minor of Certain Toy Pistols. No person shall expose for sale, sell or give away to any boy or girl under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded, and any such boy or girl having in his possession or using any pistol of any kind described in this Section shall, likewise, be guilty of a misdemeanor.

* * * * *

Section 11. Delivery of Pistol * * * to Minor. Any person who sells, gives or lends to any minor any pistol * * * shall, on conviction, be punished as provided in Section 2 of Ordinance #13.

* * * * *

Headland

Article 24

* * * * *

Section 6. Selling Pistol or Bowie Knife to Minor. Any person who sells, gives, or lends to any minor any pistol * * * shall, on conviction, be fined not less than one nor more than one hundred dollars.

* * * * *

Hueytown

3. Delivery of pistol * * * to Minor. No person shall sell, give, lend or deliver any pistol * * * to any minor or to any one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict and an habitual drunkard, or of unsound mind.

* * * * *

10. Possession by Certain Persons Prohibited. (a) No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

* * * * *

12. Gifts. The provisions of section 3 and 4 shall apply to a gift just as though the person making such gift were a seller and the person to whom such gift were made were purchaser thereof.

13. Exceptions to Provisions. The sections of this Ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Midfield

Section 5. No seller, within the corporate limits of the City of Midfield, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * *. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail or personally deliver one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Montgomery

45-4. Selling or giving small pistols to minors. It shall be unlawful for any person in the city to sell, give or deliver to any minor any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

45-5. Possession of small pistols by minors. It shall be unlawful for any minor in the city to have in his possession or use any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

Mountain Brook

Sec. 13-1. State misdemeanors. All acts or omissions which are misdemeanors under the laws of the state are hereby declared to be offenses against the city. It shall be unlawful for any person to commit any such offense within the corporate limits of the city or its police jurisdiction.

Newville

Section 6. Selling Pistol * * * to Minor. Any person who sells, gives, or lends to any minor any pistol * * * shall, on conviction, be fined not less than one nor more than one hundred dollars.

Ontario

Sec. 5-10.03. Possession of firearms by minors. (a) Rifles and shotguns. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession, custody, or control any rifle or shotgun within the City unless he has the written permission of his parent or guardian to have such firearm or is accompanied by his parent or guardian while he has such firearm in his possession, custody, or control.

(b) Other weapons. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession, custody, or control within the City any cannon * * * or any weapon or device designed to discharge any dangerous missile except as provided in subsection (a) of this section.

Oxford

10-140. Any person applying for the purchase of a pistol shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * * provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

* * * * *

10-142. No seller of a pistol shall deliver the pistol to a purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

10-143. The provisions of Sections [10-140—10-142] shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

10-144. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a

drug addict, an habitual drunkard, or of unsound mind.

Sec. 10-145. Sales of certain toy pistols or weapons to minors. (a) No person shall expose for sale, sell or give away to any person under the age of eighteen (18) years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded. No person under the age of eighteen (18) years shall have in his possession or use any pistol of any kind described in this section.

(b) It shall be unlawful for any person to sell, give away or otherwise dispose of within the city, to minors, any * * * toy pistol, air gun, parlor rifle, or any similar weapon or thing which discharges a ball or projectile.

Ozark

Sec. 14-29. Definitions. "Pistol" as used in this article, means any firearm with barrel less than twelve (12) inches in length.

"Person", as used in this section, includes firm, partnership, association or corporation.

Sec. 14-30. Application of provisions. This article shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 14-32. Possession of arms by persons convicted of violent crimes. No person who has been convicted in this city or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

Sec. 14-34. Delivery of pistols to certain persons prohibited. No person shall deliver a pistol to any person under the age of eighteen (18) or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

Sec. 14-35. Sales; requirements generally. (a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof and when delivered.

* * * * *

Sec. 14-36. Dealers to have license. No retail dealer shall sell or otherwise transfer or expose for sale or transfer or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided by the ordinances of the city and the laws of the state.

Sec. 14-37. Use of pistol to secure loan; unlawful transfer of pistol. No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to the provisions of this article, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this article.

Phenix City

Sec. 13-97. Weapons—Restrictions generally. No pawnbroker or pawnbroker's sales store shall take in pawn, receive, sell or exchange any of the following named articles, to-wit: Shotgun or rifle with barrel length of less than eighteen inches, * * *.

Sec. 13-98. Same—Pistols. No pawnbroker or pawnbroker's sales store shall sell any pistol unless and until all of the following regulations have been complied with strictly:

(a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours have elapsed from the time of the application for the purchase thereof, and when delivered the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * *. The seller shall within six (6) hours after such applications, sign and attach his address and forward by registered mail one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers. [If the chief of police disapproves the sale], it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell said pistol to the prospective purchaser. * * *

(b) No pistol shall be sold by any pawnbroker or pawnbroker's sales store until the period of forty-eight (48) hours shall have elapsed after the service of the chief of police of the notice of the proposed sale.

(c) These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Prichard

1. For the purposes of this Ordinance a shotgun shall be defined as a weapon firing either single or multiple shots through a smooth bore barrel or barrels, and shall be powered by an individual cartridge or shell (whether re-fillable or not), and the firing of such shall be activated by a trigger or other mechanism, the exercise of which shall propel or fire one cartridge or shell, and not be ready for firing until another shell or cartridge shall have been placed in the breech or other firing partition, whether by hand or mechanically.

2. It shall be unlawful and an offense against the City of Prichard for any person to have in his or her possession, either actively or constructively or to allow to be or remain in any dwelling or place of business under the control of such person a shotgun as defined in Section One hereof which shall have an overall length, including barrel or barrels, breech or similar firing apparatus and stock, of less than 30 inches.

Red Level

Ordinance Two of the Town of Red Level adopts the Alabama State Law.

Satsuma

Ordinance 141

Section 1. It shall be unlawful and an offense against the City of Satsuma for any person to sell, give or deliver a pistol within the City of Satsuma, or the police jurisdiction thereof, to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, of unsound mind, a non-resident of the State of Alabama, or a person who has not resided in the State of Alabama for a period of not less than six (6) months next immediately preceding the date of such application.

Section 2. It shall be unlawful and an offense against the City of Satsuma for any person under the age of eighteen or a drug addict, an habitual drunkard, a person of unsound mind, or a person who has been convicted of a crime of violence to own or possess a pistol or have one under his control.

Section 3. Definitions. As used in this Ordinance the term "Pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "Crime of Violence" shall mean the crime of murder, first degree manslaughter, rape, mayhem, assault with intent to murder, robbery, burglary, kidnapping or the crime of attempting to commit any of the aforesaid crimes.

* * * * *

Section 7. At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * * provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers, or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments. The Seller shall within six (6) hours after receiving such application, sign and attach his address thereto and file one copy of such application in the office of the chief of police of the City of Satsuma. * * *

Section 8. When a purchaser of a pistol shall be a resident of Mobile County, Alabama, no seller of a pistol shall deliver the pistol to the purchaser thereof until seven (7)

days [not including Saturdays, Sundays or legal holidays as fixed by the State of Alabama] shall have elapsed from the time a copy of the application for the purchase thereof shall have been filed with the chief of police * * *.

Section 9. When a purchaser of a pistol shall be a resident of the State of Alabama and reside outside of Mobile County, no Seller of a pistol shall deliver the pistol to the purchaser thereof until ten (10) days [not including Saturdays, Sundays or legal holidays as fixed by the State of Alabama] shall have elapsed from the time a copy of the application for the purchase thereof shall have been filed with the chief of police * * *.

* * * * *

Section 13. It shall be unlawful for any person to purchase, attempt to purchase or to receive a pistol within the City of Satsuma, or its police jurisdiction, except in strict compliance with the provisions of Sections 1 through 12, inclusive, of this ordinance, or when the application of such person to purchase a pistol has been disapproved by the Chief of Police within the time required to elapse prior to delivery as provided in applicable provisions of Sections 8 and 9 * * *.

Section 14. It shall be unlawful for any person to sell, give or deliver a pistol to any person whose application to purchase the same has been disapproved by the Chief of police within the time required to elapse before delivery as set forth in applicable provisions of Sections 8 and 9 * * *.

* * * * *

Selma

Sec. 17-229. Selling, giving or lending to minor. It shall be unlawful for any person to sell, give or lend to any minor any * * * firearm * * *.

Slocomb

(State criminal laws adopted October 20, 1964.)

1. That any act which would be a criminal offense under the Laws of the State of Alabama, as set forth in the criminal code of the State of Alabama as recompiled in 1958, and as has been amended and as may be amended, is hereby adopted as the criminal code of the Town of Slocomb. * * *

Sylacauga

Section 16-31: Required to receive: It shall be unlawful for any exempt or nonexempt person, or any employee, servant, or agent of any exempt or non-exempt person to sell, give, lend or deliver a pistol to any nonexempt person unless the latter has in his possession, and shall deliver to the former, an unrevoked original of a permit issued by the Chief of Police authorizing him or her to receive a pistol.

Section 16-32: It shall be unlawful for any non-exempt person to buy, borrow, or accept delivery of a pistol from another unless such non-exempt person have in his or her possession, and deliver to such other, an unrevoked original of a permit issued by the Chief of Police authorizing such non-exempt person to receive a pistol.

Thomasville

Chapter 37

Sec. 347 1/2. It shall be unlawful for any person to sell, give or lend to any minor, any pistol, * * * and any person violating the provisions of this section, must, on conviction, be punished as provided in Section 242 of this Code.

Ordinance 69-12

Section 1—Definitions. A. Exempt person. Any marshal, sheriff, prison or jail warden and his regularly employed deputies, policeman or other law enforcement officer of any state or political subdivision thereof, member of the army, navy or marine corps of the United States or of the national guard, member of the national guard organized reserves or state guard organizations, when on duty or going to or from duty, regularly enrolled member of any organization duly authorized to purchase or receive such weapons from the United States or from this state, provided such member is at or is going to or from his place of assembly or target practice, officer or employee of the United States duly authorized to carry a pistol, any person engaged in manufacturing, repairing or dealing in pistols or the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such business, and any common carrier, except taxicabs, licensed as a common carrier.

B. Nonexempt person. Any person other than an exempt person.

C. Pistol. Any firearm with a barrel less than twelve inches in length.

Section 2. Permit to receive pistol—Required. A. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the Chief of Police authorizing him to receive a pistol.

B. It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the Chief of Police authorizing such nonexempt person to receive a pistol.

Section 3. Same—Application; * * * Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the Chief of Police in writing for a permit to receive a pistol.

* * * * *

Tuscaloosa

34-13. Definitions. For the purpose of this article, the following words and phrases shall have the meanings herein ascribed to them:

Crime of violence. The term "crime of violence" means any of the following crimes, or an attempt to commit any of them: Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

Pistol. The word "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

Purchaser. The term "purchaser" shall, in addition to its ordinary and customary meaning, include any person who receives a pistol by gift, pledge or loan.

Seller. The term "seller" shall, in addition to its ordinary and usual meaning, include any person who delivers a pistol to another by way of loan, gift or pledge.

34-15. Sale or delivery to minors, drug addicts, etc., prohibited. No person shall sell, give or deliver a pistol to any person under the age of eighteen (18) or to one who he has reason to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard or of unsound mind.

34-16. Sale to unknown purchaser. No person shall sell a pistol to any purchaser, under any circumstances, unless the purchaser is personally known to the seller or shall present clear evidence of his identity and age.

34-17. * * *; Delivery to purchaser. * * * No person shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded.

34-20. Certain purchases and sales excepted from article. This article shall not apply to the purchase or sale of pistols as curiosities or ornaments, nor shall the same apply to purchases by licensed retailers, manufacturers, wholesalers or jobbers.

Uniontown

Sec. 99. Firearms. It shall be unlawful for any person to * * * sell, give or lend to any minor any pistol * * *.

Alaska

State Law

Alaska Stats.

Sec. 11.55.030. Possession by convicts. (a) A person who has been convicted of a felony, or assault with a dangerous weapon, burglary, robbery and like crimes, by a court in this state, or by the courts of the United States or of another state or territory, may not own or have in his possession or under his custody or control a pistol, revolver, or other firearm capable of being concealed about his person, * * * or an instrument commonly considered to be a weapon.

(b) The provisions of (a) of this section do not apply to a person who has received a pardon for the prior conviction upon which this action is based or, in the case of a felony, when the final termination of the sentence, including any probationary period, was more than 10 years before the time of ownership, possession or control of a weapon as specified in (a) of this section.

Sec. 11.55.070. Possession of firearm while under influence of intoxicating liquor or drug. A person who, while under the influence of intoxicating liquor or an exhilarating or stupefying drug, carries, has in his possession or under his control, or uses or discharges a firearm is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than $1,000, or by imprisonment in a jail for not more than one year, or by both.

Sec. 11.55.080. Purchase of firearms in contiguous states. No resident of this state is prohibited from purchasing a rifle or shotgun in a contiguous state if he complies with the provisions of PL 90-618.

Anchorage

8.05.430 Minors, sale of firearms to. It is unlawful for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years, any firearm, including but not limited to pistols, rifles and shotguns, or any ammunition therefor, without consent of the parent or guardian of the minor.

Fairbanks

(1) No person shall cast, throw, light, or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

(2) No person shall exhibit, or have in his possession with intent to give away, or sell, or offer for sale, within the City of Fairbanks, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

* * * * *

(5) No person shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years without written permission of his parent or guardian.

Greater Anchorage Area Borough

18.05.060 Minors, Selling Firearms To; Age. It shall be unlawful without consent of parent or guardian for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years, any firearm, including but not limited to pistols, rifles, and shotguns.

Ketchikan

9.32.060 Sale of firearms to certain minors. It is unlawful for any person to sell firearms to minors under the age of nineteen without the written consent of a parent or guardian of the minor, or for any vendor to fail to keep a record of any sale of a firearm to a minor under said age and to make the record available to inspection by any policeman on request.

Kivalina

Section 5: It shall be unlawful for teenagers under 18 to buy shells of any kind, * * *.

Kodiak

8.88.020 Minors—firearms. It shall be unlawful for any person to give, barter, sell, lease, or otherwise make available to any person under the age of eighteen (18) years, any firearm, including but not limited to pistols, rifles, and shotguns, within the City.

8.96.040 Prohibited to intoxicated persons. It is unlawful for any person under the influence of alcohol to have in his possession firearms of any type.

Metlakatla Indian Reservation

1. Definitions. As used in this Ordinance, the following terms shall have the following respective meanings: (a) **Prohibited Firearm.** The term "Prohibited Firearm" means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device.

(b) Machinegun. The term "machinegun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapons, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(c) Rifle. The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(d) Shotgun. The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

(e) Any Other Weapon. The term "any other weapon" means any weapon or device capable of being concealed on the person from

which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

(f) Destructive Device. The term "destructive device" means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellent charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled.

2. Possession of Certain Firearms Prohibited. No person shall, within the Annette Islands Reserve, own, possess or transport any Prohibited Firearm or destructive device, other than the United States of America or members of the Armed Forces thereof duly authorized to carry such a Prohibited Firearm when on duty on the Annette Islands Reserve, or the State of Alaska, or any duly appointed law enforcement officer of the United States, the Metlakatla Indian Community or the State of Alaska, when such officers are on duty; and enforcing Law and Order on Annette Islands Reserve.

4. Exclusion. Any person who is not subject to the jurisdiction of the Metlakatla Indian Community who violates Section 2 hereof, shall be subject to removal from the Annette Islands Reserve upon issuance of a written order of exclusion by the court, after a hearing upon reasonable notice, subject to the approval of such exclusion order by the Council. Upon the approval of such an order by the Council, the Mayor shall transmit a copy of such order to the Chief Constable or the State Enforcement Officers who shall carry out the order by removing such person as a trespasser from the Annette Islands Reserve.

5. Interpretation. The terms used in this ordinance are intended to prohibit the possession, ownership or transportation within the Annette Islands Reserve of any firearm which is subject to registration with the National Firearms Registration and Transfer Board pursuant to the provisions of the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. Sec. 5841, or any successor provision of Federal law. In applying the definitions set forth herein, reference shall be made to the regulations and interpretations of the Secretary of the Treasury pursuant to that Act.

Seward

15-13. Same—Sale of firearms to. It shall be unlawful for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years any firearm, including but not limited to pistols, rifles, and shotguns, within the city.

Arizona

State Law

Ariz. Rev. Stats.

Sec. 13-917.02. Regulation of firearms by state. Ordinances of any political subdivision of this state relating to the possession, carrying, sale and use of firearms in this state shall not be in conflict with this chapter.

Sec. 13-918. Sale or gift of firearm to minor; punishment. A. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

* * * * *

B. Nothing in this section shall be construed to require reporting sales of firearms, nor shall registration of firearms or firearms sales be required.

Sec. 13-919. Possession of pistol by criminal; punishment; definitions. A. It is unlawful for a person who has been convicted of a crime of violence in any court of the United States, its territories, districts or possessions, or of the several states, to possess a pistol, unless such person has been pardoned for such crime or has by law regained full status as a citizen.

B. A person violating the provisions of this section shall be punished by a fine of not more than two thousand dollars, by imprisonment in the state prison for not more than five years, or both, and shall forfeit the pistol.

C. "Pistol" within the provisions of this section means any weapon with a barrel less than twelve inches in length, which is designed to expel a projectile by the action of expanding gas.

D. "Crime of violence" within the provisions of this section means murder, manslaughter with a dangerous weapon or implement other than an automobile, assault with a dangerous weapon, rape, mayhem, kidnaping, robbery, burglary or assault with intent to commit any offense punishable by imprisonment for more than one year.

Sec. 13-924. Firearm purchase in other states. A. A person residing in this state, or a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise obtain firearms anywhere in the United States if such purchase or acquisition fully complies with the laws of this state and the state in which the purchase or acquisition is made and the purchaser and seller, prior to the sale or delivery for sale, have complied with all the requirements of the Federal Gun Control Act of 1968, Public Law 90-618, Sec. 922, subsection (C) and the Code of Federal Regulations, Volume 26, Sec. 178.96, subsection (C).

B. For purposes of this section, all terms are to be given the meaning prescribed by the Federal Gun Control Act of 1968, Public Law 90-618, Sec. 921.

Sec. 26-178. Illegal possession of equipment; penalty. A. A person having in his possession a uniform, arms, equipment, supplies or other military property of the state or United States, who secretes, disposes of, offers for sale or in any manner pledges, retains or refuses to deliver to an officer entitled to demand possession of the property, * * * is, if the property is of a value more than fifty dollars, guilty of a felony, and if the value is less than fifty dollars, guilty of a misdemeanor punishable as provided by law. * * * * *

Editor's Note: The following provisions will become the State Law in Arizona on October 1, 1978. At that time, the above will no longer be applicable and the following will be effective in lieu thereof.

Arizona Revised Criminal Code

Title 13

Sec. 13-3101. Definitions. In this chapter, unless the context otherwise requires: * * * * *

2. "Deadly weapon" means anything designed specifically for lethal use or anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury. The term includes a firearm.

3. "Deface" means to remove, alter or destroy the manufacturer's serial number.

* * * * *

5. "Firearm" means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, except that it does not include a firearm in permanently inoperable condition which is kept as a curio, museum piece or for educational purposes.

6. "Prohibited possessor" means any person:

(a) Who has been found to constitute a danger to himself or to others pursuant to court order under the provisions of Sec. 36-540, and whose court ordered treatment has not been terminated by court order.

(b) Who has been convicted within or without this state of a felony involving violence or possession and use of a deadly weapon or dangerous instrument and whose civil rights have not been restored.

(c) Who is at the time of possession serving a term of imprisonment in any correctional or detention facility.

7. "Prohibited weapon" means * * * any:

(a) Explosive, incendiary or poison gas:

(i) Bomb.

(ii) Grenade.

(iii) Rocket having a propellant charge of more than four ounces.

(iv) Mine.

(b) Device designed, made or adapted to muffle the report of a firearm; or

* * * * *

(d) Firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

(e) Rifle with a barrel length of less than sixteen inches, or shotgun with a barrel length of less than eighteen inches, or any firearm made from a rifle or shotgun which, as modified, has an overall length of less than twenty-six inches; or

* * * * *

(g) The prohibitions as set forth in subdivisions (a), (b), (e) and (f) of this paragraph shall not be applicable to any such firearms or devices registered in the national firearms registry and transfer records of the United States Treasury Department.

Sec. 13-3102. Misconduct involving weapons; defenses; classification. A. A person commits misconduct involving weapons by knowingly:

* * * * *

3. Manufacturing, possessing, transporting, selling or transferring a prohibited weapon; or

* * * * *

5. Selling or transferring a deadly weapon to a prohibited possessor; or

6. Defacing a deadly weapon; or

7. Possessing a defaced deadly weapon knowing the deadly weapon was defaced; or

* * * * *

H. Misconduct involving weapons under paragraphs 3 through 8 of subsection A is a class 6 felony.

* * * * *

Sec. 13-3106. Firearm purchase in other states. A person residing in this state, or a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise obtain firearms anywhere in the United States if such purchase or acquisition fully complies with the laws of this state and the state in which the purchase or acquisition is made and the purchaser and seller, prior to the sale or delivery for sale, have complied with all the requirements of the Federal Gun Control Act of 1968, Public Law 90-618, Sec. 922, subsection (c) and the Code of Federal Regulations, volume 26, section 178.96, subsection (c).

* * * * *

Sec. 13-3108. Regulation of firearms by state. Ordinances of any political subdivision of this state relating to the possession, carrying, sale and use of firearms in this state shall not be in conflict with this chapter.

Sec. 13-3109. Sale or gift of firearm to minor; punishment.

A. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

B. Nothing in this section shall be construed to require reporting sales of firearms, nor shall registration of firearms or firearms sales be required.

Bisbee

6-4-5. Registration of dealers required: Every person who deals in arms, ammunition and explosives, or either of them, shall register as such dealer in a book for that purpose kept by the Chief of Police. In said book he shall write his name, his business or occupation and the address of his place of business.

Buckeye

Sec. 11-1-22 Weapons * * * F. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Casa Grande

F. Sale of weapons to minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Clarkdale

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Coconino

Section 10-1-32 * * * F. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Elmirage

Sec. 11-1-54 Weapons * * * * ***G. Sale of Weapons to Minors.** A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

* * * * *

Gila Bend

Sec. 10-1-30 Weapons * * * F. It is unlawful for any person to sell or give to a person under the age of eighteen years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Globe

10-1-24 Weapons. * * * * * **F. Sale of Weapons to Minors.** A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's

parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Goodyear

* * * * *

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

* * * * *

Guadalupe

Section 11-1-21 Weapons ***** F. It is unlawful for any person to sell or give to a person under the age of eighteen (18) years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Hayden

Section 10-1-22 ***** F. It is unlawful for any person to sell or give to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Kearny

G. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Page

Section 10-1-22 ***** F. It is unlawful for any person to sell or give to a person under the age of eighteen years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Payson

Section 10-1-22 Weapons. F. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Phoenix

Sec. 23-43. Dealers in firearms—Registration required. Every person dealing in firearms, ammunition or explosives shall register as a dealer in a book to be kept by the Chief of Police for that purpose. ***

Sec. 23-46.1. Unlawful to make, possess or dispose of a fire bomb; penalties; exceptions. (a) Definitions.

Disposes of—To give, give away, loan, offer, offer for sale, sell, transfer, hurl, throw, or cause to be hurled or thrown.

Fire bomb—A breakable container containing a flammable liquid with a flash point of one hundred fifty degrees fahrenheit or less, having a wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb for the purposes of this Section.

(b) Offenses. A person is guilty of a misdemeanor who:

(1) Possesses any of the component parts of a fire bomb with intent to wilfully and maliciously use such material, substance or device to set fire to or burn any buildings or property.

(2) Possesses, manufactures or disposes of a fire bomb.

(c) Exceptions. The provisions of Subsections (a) and (b) of this Section shall not prohibit:

(1) The authorized use or possession of any material, substance or device described in such Subsections by a member of the Armed Forces of the United States or National Guard of the State of Arizona, or by firemen, police officers or peace officers authorized by the properly constituted authorities and acting in the course of their official duties;

(2) The use or possession of any material, substance or device described therein when used solely for scientific research or educational purposes, or for any lawful burning;

(3) The manufacture or disposal of a fire bomb for the parties or purposes described in this Subsection.

Salt River Indian Community

Sec. 6.15-Carrying Firearms or Gun ***** B. Any person, who shall go about anywhere within the Salt River Pima-Maricopa Indian Community, armed with any firearm, unless he shall have first obtained a permit therefor, signed by a Judge of the Salt River Tribal Court, shall be deemed guilty of an offense and the firearm carried by such person shall be impounded by officers duly constituted to enforce this Code and said firearm shall be stored at a place within the Community.

* * * * *

Show Low

* * * * *

F. It is unlawful for any person to sell or give to a person under the age of eighteen years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

* * * * *

Somerton

Sec. 10-1-27 Weapons ***** F. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Springerville

* * * * *

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

* * * * *

Surprise

Ordinance No 29

* * * * *

F. It is unlawful for any person to sell or give to a person under the age of eighteen years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Youngtown

Chapter 10

* * * * *

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Arkansas

State Law

Ark. Stat.

41-3101. Definitions. As used in this Chapter [Secs. 41-3101—41-3110], unless the context plainly requires otherwise:

* * * * *

(2) "Minor" means any person under eighteen (18) years of age.

41-3103. Firearms—Possession by felon, mental defective, person committed to mental institution prohibited. (1) No person who has been

(a) convicted of a felony; or

(b) adjudicated a mental defective; or

(c) committed involuntarily to any mental institution; shall possess or own any firearm.

(2) A determination by a jury or court that a person committed a felony shall constitute a "conviction" for purposes of subsection (1) even though the court suspended imposition of sentence or placed the defendant on probation.

3. A determination by a jury or a court that a person committed a felony shall not constitute a conviction for purposes of Subsection 1 if the person is subsequently granted a pardon explicitly restoring the ability to possess a firearm.

COMPILER'S NOTE

It is the opinion of the Arkansas Attorney General that convicted felons who receive a full gubernatorial pardon *before* July 6, 1977, are no longer subject to a State ban on the possession of firearms. To have the same effect, pardons issued *after* the date must include language specifically authorizing possession of firearms.

41-3104. Criminal use of prohibited weapons. (1) A person commits the offense of criminal use of prohibited weapons if, except as authorized by law, he uses, possesses, makes, repairs, sells, or otherwise deals in any bomb, machine gun, sawed-off shotgun, firearm specially made or specially adapted for silent discharge, * * * or other implement for the infliction of serious physical injury or death which serves no common lawful purpose.

(2) It is a defense to a prosecution under this section that:

(a) the person was a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of his duty at the time he used or possessed the prohibited weapon; or

(b) the defendant used, possessed, made, repaired, sold, or otherwise dealt in any of the above enumerated articles under circumstances negating any likelihood that the weapon could be used unlawfully.

(3) Criminal use of prohibited weapons is a class B felony if the weapon is a bomb, machine gun, or firearm specially made or specially adapted for silent discharge. Otherwise, it is a class D felony.

41-3105. Legitimate manufacture, repair, and transportation of prohibited weapons. Section 3104 [Sec. 41-3104] shall not be construed to prohibit the manufacture, repair, transportation, or sale of the weapons enumerated therein to or for authorized representatives of the armed forces or to or for the authorized representatives of any law enforcement agency.

41-3107. Possession of a defaced firearm. (1) A person commits the offense of possession of a defaced firearm if he knowingly possesses a firearm with a manufacturer's serial number, or other identification mark required by law, which has been removed, defaced, marred, covered, altered or destroyed.

(2) It is a defense to a prosecution under this section that the person reported such possession to the police or other governmental agency prior to arrest or the issuance of an arrest warrant or summons.

(3) Possession of a defaced firearm is a class A misdemeanor.

41-3108. Criminal possession of explosives. (1) A person commits the offense of criminal possession of explosives when he sells, possesses, manufactures or transports an explosive substance or incendiary device:

(a) if he has the purpose of using that substance or device to commit an offense; or

(b) if he knows or should know that some other person intends to use that substance or device to commit an offense.

(2) Criminal possession of explosives is a class B felony.

41-3109. Furnishing a deadly weapon to a minor. (1) A person commits the offense of furnishing a deadly weapon to a minor when he sells, barters, leases, gives, rents or otherwise furnishes a firearm or other deadly weapon to a minor without the consent of a parent, guardian, or other person responsible for general supervision of his welfare.

(2) Furnishing a deadly weapon to a minor is a class A misdemeanor.

41-3157. Uniform Machine Gun Act—Definitions. "Machine Gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

"Crime of Violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

41-3160. Offensive or aggressive purpose defined. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose;

(a) when the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) when in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) when the machine gun is of the kind described in section 8 [Sec. 41-4514] and has not been registered as in said section required; or

(d) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

41-3161. Evidence of possession or use of machine gun. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

41-3162. Guns for military use may be manufactured. Nothing contained in this act [Secs. 41-3157—41-3167] shall prohibit or interfere with

1. the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

41-3163. Manufacturer to keep register of guns manufactured. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor,

and shall produce the register, herein required, for inspection. * * *

41-3164. Guns now owned and in use to be registered. Every machine gun now in this State adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the (secretary of state), on the effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the (secretary of state), and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

41-3168. Tear gas—Carrying or possession a misdemeanor. Any person who shall carry or have in his possession any tear gas in any form whatever, and any person who shall carry or have in his possession any gun, bomb, grenade, cartridge or other weapon designed for the discharge of tear gas, shall be guilty of a misdemeanor.

41-3169. Peace officers and banking institutions excepted from provisions of act. Provided the provisions of this act [Secs. 41-3168—41-3170] shall not apply to any peace officer while engaged in the discharge of his official duties, nor to any banking institution desiring to have possession of tear gas in any form for the purpose of securing funds in its custody from theft or robbery.

41-3174. Sale of rifles, shotguns and ammunition in this state to residents or adjacent states authorized. Hereafter, the sale of shotguns and rifles and ammunition in this State to residents of adjacent states is authorized pursuant to regulations issued by the Secretary of the Treasury under the Federal Gun Control Act of 1968 [U.S.C., tit. 18, Secs. 921-928], as the same is in effect on the effective date [March 4, 1969] of this Act.

41-3175. Residents of this state authorized to purchase rifles, shotguns or ammunition in an adjacent state. Hereafter, a resident of this State shall be permitted to purchase a rifle, shotgun, or ammunition in an adjacent state; such sales are hereby expressly authorized pursuant to the regulations issued under the Federal Gun Control Act of 1968 [U. S. C., tit. 18, Secs. 921-928], as the same is in effect on the effective date [March 4, 1969] of this Act.

Bearden

Ordinance 172

Section 1: Adoption of the Arkansas Criminal Code which became effective on January 1, 1976: There is hereby adopted by this City Council for the purpose of regulating the enforcement of the Criminal Laws of this State and City within Bearden City Limits that code known as the "Arkansas Criminal Code" effective January 1, 1976. * * *

* * * * *

Section 2: The said Arkansas Criminal Code effective January 1, 1976, is adopted in toto.

Section 3: The invalidity of any section or provision of this code shall not invalidate any other section thereof.

Section 4: All ordinances or parts thereof in force at the time of this ordinance that are inconsistent herewith are hereby repealed.

* * * * *

Danville

Ordinance 147

Section 1: Sale of certain weapons—restricted or prohibited Licenses required. (a) It shall be unlawful for any manufacturer, gun collector or dealer to sell any pistol at wholesale or retail, or to pledge or accept any pistol as security for a loan, except those manufacturers, collectors, or dealers who have a valid federal firearms license.

(b) When delivered, all pistols must be securely wrapped and must be unloaded.

(c) It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of drugs or liquor at the time of the transfer, or who is under the age of twenty-one.

(d) It shall be unlawful for any person to purchase, receive, sell, give, lease, or otherwise transfer any firearm from which the manufacturers identification mark or serial number has been removed.

(e) It shall be unlawful for any person to give, sell, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of 18 years, any firearm, or any device designated, altered or capable of discharging any dangerous missile, or any cartridge, shell, ammunition, or device containing an explosive substance designed, or intended to be used in, or fired from, any gun, revolver, pistol or firearm without the written consent of the parent or guardian of such person.

(f) It shall be unlawful for any person to sell, barter or in any manner to furnish another person, * * * any shotgun with barrel or barrels less than 18 inches in length or any rifle with barrel or barrels less than 16 inches in length or any weapon made of a rifle or shotgun by any manner to be less than 26 inches in overall length, * * *

(g) Any person who manufacturers or causes to be manufactured, imports into this city, keeps for sale, or offers or exposes for sale any of the devices listed in the above paragraph (f) of this section shall be guilty of furnishing the device even though a transfer is not carried out.

* * * * *

Sec. 2. Possession of weapons by certain persons. (a) It shall be unlawful for any person who is a fugitive from justice, or who has been convicted of a felony, or who is a drug addict, or who is under the influence of alcohol, or any drug, to carry or have in his possession or under his control, or to have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

(b) It shall be unlawful for any person under the age of 21 to have in his possession or under his control any handgun without adult supervision and the consent in writing of a parent or guardian.

El Dorado

Sec. 23-27. Weapons; * * * bartering, etc. * * * * * Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person any * * * pistol of any kind whatever, any kind of cartridges for any firearm, shall be guilty of a misdemeanor. Any person convicted of a violation of any of the provisions of this section shall be punished by a fine * * * or by imprisonment in the city jail * * * or by both fine and imprisonment * * *.

Garland

Local ordinance 149 incorporates, by reference, the Arkansas State Criminal Code.

Hickory Ridge

Hickory Ridge local ordinance, Chapter 7.04, 7.04.01, incorporates, by reference, Arkansas State Criminal Code.

Little Rock

25.96. Pistols, sale and transfer regulated—Definitions. (a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "pistol" means any firearm with a barrel less than twelve inches in length, except cap and ball, flintlock, wheellock or matchlock hand guns.

(c) The term "manufacturer or dealer" means any person engaged in the business of manufacturing or selling pistols at wholesale

or retail, or of accepting or pledging pistols as security for loans.

(d) The term "gun collector" means any person who as a hobby but not for profit shall collect and traffic in pistols.

(e) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, assault with intent to kill, commit rape, or rob; or assault with intent to commit any offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

25-97. Same—License required; sales restricted. (a) It shall be unlawful for any manufacturer, dealer, or gun collector, except a manufacturer, dealer, or collector having a valid federal firearms license, to sell any pistol at wholesale or retail, or to lease or to pledge or accept any pistol as security for a loan.

(b) When delivered, all pistols must be securely wrapped and must be unloaded.

(c) It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or who is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of liquor at the time of the sale, or who is under the age of twenty-one years.

25-98. Same—Possession by certain persons prohibited; permit to display; serial number; record of sales, etc. (a) It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, to possess a pistol within this city.

(b) It shall be unlawful for any person under age of eighteen to possess a pistol. The provisions of this section shall not apply to the issue of pistols to members of the State Militia, R.O.T.C., or armed forces of the United States for training or active duty.

(c) It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a pistol to any person under twenty-one years of age except as provided in paragraph (b) above.

(f) It shall be unlawful for any person to purchase, receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's identification mark or serial number has been removed.

Morrilton

11-64. Same—Sale of weapons and ammunition. Any person who shall sell, barter or exchange or otherwise dispose of or in any manner furnish to any person * * * any kind of pistol of any kind whatever except such as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge for any pistol, or any person who shall keep any such arms or cartridges for sale in the city shall be deemed guilty of a misdemeanor.

Norphlet

The city of Norphlet has adopted the language of the State firearms laws, including sections 41-3101 thorugh 41-3175, shown at the beginning of the Arkansas State listing in this publication.

Plumerville

Ordinance No. 17

Any person who shall sell, barter or exchange, or otherwise dispose of in any manner or furnish to any person * * * any pistol of any kind whatever except such as are used in the army or navy of the United States and known as the navy pistol, or any person who shall keep any such arms for sale in the said incorporated town shall be guilty of a misdemeanor.

* * * * *

Springdale

22-21. Sale, loan, etc., weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

Sulphur Springs

Ordinance 17

Section 3. That it shall be unlawful for any person to sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person, any * * * pistol of any kind whatever, except such as are known as the navy pistol, or any kind of cartridge for any pistol, or to keep any such arms or cartridges for sale.

California

State Law

Ann. Cal. Codes

Penal Code

Chapter 1.
Concealed Weapons

Sec. 12001. Definitions. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in this chapter shall apply to and include any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and which has a barrel less than 12 inches in length. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in Sections 12021, 12072, and 12073 include the frame or receiver of any such weapon.

Sec. 12001.5 Manufacture, sale or possession of sawed-off shotguns not authorized Except as provided in Section 12020, nothing in this chapter shall be construed as authorizing the manufacture, importation into the state, keeping for sale, offering for sale, or giving, lending, or possession of any sawed-off shotgun, as defined in Section 12020.

Sec. 12002. Exemptions

(a) Nothing in this chapter prohibits police officers, special police officers, peace officers, or law enforcement officers from carrying any wooden club, baton, or any equipment authorized for the enforcement of law or ordinance in any city or county.

(b) Nothing in this chapter prohibits a uniformed security guard, regularly employed and compensated as such by a person engaged in any lawful business, while actually employed and engaged in protecting and preserving property or life within the scope of his employment, from carrying any wooden club or baton of a type and substance approved by both the executive director of the California Crime Technological Research Foundation and the Department of Justice, if the uniformed security guard has satisfactorily completed a course of training in the carrying and use of the club or baton which has been approved by the Commission on Peace Officer Standards and Training.

Sec. 12020. Blackjacks, etc.; manufacture, sale or possession; concealed explosive or dagger; offense; punishment; exemptions. (a) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or of-

fers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a * * * sawed off shotgun * * * or who carries concealed upon his person any explosive substance, other than fixed ammunition * * * is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than three years.

(b) Subdivision (a) shall not apply to any of the following: (1) The manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production when such is authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and is not in violation of federal law. * * * * *

(4) Any antique firearm. For purposes of this paragraph the term "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional centerfire ignition with fixed ammunition, and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system.

(d) (1) As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches. * * * * *

12020.5. It shall be unlawful for any person, firm, corporation, or association, in any newspaper, magazine, circular, form letter, or open publication, published, distributed, or circulated in this state, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device, to advertise the sale of any weapon or device whose possession is prohibited by Section 12020. * * * * *

Sec. 12021. Concealable firearms; prohibited ownership or possession; offense; punishment; exceptions. (a) Any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both.

(b) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment; or

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars ($1,000), or received both such punishments.

COMPILER'S NOTE

In the opinion of the California Attorney General: "California is not constitutionally required to recognize sister state gubernatorial or presidential pardons for purposes of section 12021. Nor is California compelled to recognize relief granted by federal authorities pursuant to 18 U.S.C. 925(c). However, under 18 U.S.C.A. 5024, states are required to recognize the expungement of a youth offender's conviction pursuant to 18 U.S.C.A. 5021. California would recognize such an expungement for purposes of section 12021."

Sec. 12070. Unlicensed business; offense. No person shall engage in the business of selling or otherwise transferring, or shall advertise for sale, or offer or expose for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, unless he has been issued a license pursuant to Section 12071. Any person violating this section is guilty of a misdemeanor.

Sec. 12071. Retail licenses; business regulations. The duly constituted licensing authorities of any city or county may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture. * * * * *

3. No pistol or revolver shall be delivered

(a) Within fifteen days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. * * * * *

Sec. 12072. Prohibited transfers; delivery of weapon; transfer to stranger; offense. No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12021 from owning or possessing such firearms, nor to any minor, under the age of 18 years. In no event shall any such firearm be delivered to the purchaser within fifteen days of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

Sec. 12073. Register of sales; contents; exemptions. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, except as provided by this chapter, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber, or other marks of identification on such pistol, revolver or other firearm.

This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transport of unloaded firearms as merchandise to other wholesale or retail dealers by mail, express or other mode of shipment, to points outside of the city or county wherein they are situated.

Sec. 12078. Exemption of sales to government officers; identification; report of sale. The preceding provisions of this article do not apply to sales of concealable firearms made to persons properly identified as full-time paid officers of a city police department, sheriff's department, district attorney's office, the California Highway Patrol, or the State Department of Justice, nor to sales of concealable firearms made to authorized representatives of cities, cities and counties, counties, state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser and authorizing the purchase. The certification shall be delivered to the seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification. On the day the sale is made, the dealer shall forward by prepaid mail to the Department of Justice a report of such sale and the type of information concerning the buyer and the firearm sold as is indicated in Section 12077.

Sec. 12079. Mail orders; record of order; fee. Any person, other than a dealer licensed under the provisions of Section 12071, or a manufacturer or wholesaler of weapons, who orders by mail any pistol, revolver, or firearm capable of being concealed upon the person shall, at least five days before ordering such weapon, file with the chief of police, or other head of the police department of the city, county, or city and county wherein such person maintains his residence or principal place of business, a record in duplicate of such order. When such person resides or has his principal place of business where there is no municipal police department, then such record, in duplicate, shall be filed with the sheriff

of the county where such person resides or maintains his principal place of business. Such record shall be substantially in the following form: [See local requirements]

* * * * *

Sec. 12092. Assignment of number or mark. The Department of Justice upon request may assign a distinguishing number or mark of identification to any pistol or revolver whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the department has been destroyed or obliterated.

Sec. 12094. Unmarked firearms; purchase, sale or possession; offense. Any person with knowledge of any change, alteration, removal, or obliteration described herein, who buys, receives, disposes of, sells, offers for sale, or has in his possession any pistol, revolver, or other firearm which has had the name of the maker, model, or the manufacturer's number or other mark of identification including any distinguishing number or mark assigned by the Department of Justice changed, altered, removed, or obliterated is guilty of a misdemeanor.

Sec. 12095. Sawed-off shotguns as props; manufacture, possession, transportation or use; issuance of permit, duration of permit. If it finds that it does not endanger the public safety, the Department of Justice may issue permits initially valid for a period of one year, and renewable annually thereafter, for the manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production upon a showing that good cause exists for the issuance thereof to the applicant for such a permit. No permit shall be issued to a person who is under 18 years of age.

Chapter 2
Machine Guns

Sec. 12200. Definition. The term "machinegun" as used in this chapter means any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger, and includes any frame or receiver which can only be used with such weapon. The term shall also include any combination of parts designed and intended for use in converting a weapon into a machinegun.

Sec. 12201. Exemptions. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machine guns by police departments, sheriffs' offices, city marshal's offices, or the military or naval forces of this State or of the United States for use in the discharge of their official duties; nor shall anything in this chapter prohibit the possession of machine guns by regular, salaried, full-time members of a police department, sheriff's office, or city marshal's office when on duty and such use is within the scope of their duties.

Sec. 12220. Unauthorized sale, possession or transportation; punishment. Any person, firm or corporation, who within this State sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed five years or by a fine not to exceed five thousand dollars ($5,000), or by both such fine and imprisonment.

Sec. 12230. Authority to issue; showing necessary. The Department of Justice may issue permits for the possession and transportation or possession or transportation of such machineguns, upon a satisfactory showing that good cause exists for the issuance thereof to the applicant for such permit but no permit shall be issued to a person who is under 18 years of age.

Sec. 12250. Authority to grant license; revocation; business regulations. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of machineguns subject to all of the following conditions, upon breach of any of which the license shall be revoked: * * * * *

3. No machinegun shall be delivered to any person not authorized to receive the same under the provisions of this chapter.

* * * * *

Chapter 2.5
Destructive Devices

Sec. 12301. Definition. (a) The term "destructive device," as used in this chapter, shall include any of the following weapons: (1) Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.

(2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed primarily for emergency or distress signaling purposes.

(5) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(b) The term "explosive," as used in this chapter, shall mean any explosive defined in Section 12000 of the Health and Safety Code.

Sec. 12302. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of, or use of destructive devices by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guards, while on duty and acting within the scope and course of his employment.

Nothing in this chapter shall prohibit the sale to, purchase by, possession by, or use by any person who is a regularly employed and paid officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, while on duty and acting within the scope and course of his employment, of any equipment used by such department or agency in the course of fire suppression.

Sec. 12303. Possession; other than fixed ammunition; punishment. Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison for a term not to exceed five years, or by a fine not to exceed five thousand dollars ($5,000) or by both such fine and imprisonment.

Sec. 12303.6 Sale or transportation; other than fixed ammunition; punishment. Any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 15 years.

12304. Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber, except as provided in this chapter, is

guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars ($1,000), or by both such fine and imprisonment. * * * * *

Sec. 12305. Permits to conduct business; fee. Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of such business from the Department of Justice. Such permit shall be issued upon a satisfactory showing to him that good cause exists for the issuance thereof and after the payment of a fee of fifty dollars ($50). Such permit shall be valid for a period of one year only.

Sec. 12306. Permits; non-business purposes; fee Any person, firm or corporation, other than those included in Section 12305, shall obtain a permit from the Department of Justice before possessing or transporting any destructive device. The department may issue such a permit upon a satisfactory showing that good cause exists for the issuance thereof, and after the payment of a fee of ten dollars ($10). The department shall issue a permit without payment of a fee upon a satisfactory showing that the possessor of such destructive devices is a bona fide collector of destructive devices. Such permit shall be valid for a period of one year only.

Chapter 4
Tear Gas Weapons

Sec. 12402. Tear gas weapon. The term "tear gas weapon" as used in this chapter shall apply to and include: (a) Any shell, cartridge, or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gases.

(b) Any revolvers, pistols, fountain pen guns, billies, or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

Sec. 12403. Exemptions; peace officers. Nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman; reserve or auxiliary deputy sheriff or policeman; marshal; deputy marshal; constable; deputy constable; member of the California Highway Patrol; member of the California State Police Division; chiefs, assistant chiefs, or special agents of the investigative bureaus of the Department of Justice; investigator who is regularly employed and paid as such in the office of the Attorney General and is designated by the Attorney General; investigator who is regularly employed and paid as such in the office of a district attorney and is designated by the district attorney; deputy of the Department of Fish and Game; hospital administrator or police officer of the Department of Health; warden, superintendent, supervisor, agent of the law enforcement liaison unit, or guard of the Department of Corrections; enforcement officers of the Department of Alcoholic Beverage Control described in subdivision (c) of Section 830.3; any superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority; any employee of the Department of the Youth Authority who is a peace officer pursuant to Section 830.5 and is assigned to the department's missing ward unit; or any transportation officer of the Department of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of their duties, if such weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if such such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

Sec. 12403.5 Exemptions; private investigators; private patrol operators or uniformed patrolmen employees. Notwithstanding any other provision of law, a person holding a license as a private investigator or private patrol operator issued pursuant to Chapter 11 (commencing with Section 7500), Division 3 of the Business and Professions Code, or uniformed patrolmen employees of a private patrol operator, may purchase, possess, or transport any tear gas weapon, if it is used solely for defensive purposes in the course of the activity for which the license was issued and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officer Standards and Training in the use of tear gas.

Sec. 12403.7. (a) Notwithstanding any other provision of law, any person may purchase, possess or use tear gas and tear gas weapons for the projection or release of tear gas if such tear gas and tear gas weapons are approved by the Department of Justice and are used solely for self-defense purposes, subject to the following requirements:

(1) No person convicted of a felony shall purchase, possess, or use tear gas or tear gas weapons.

(2) No person shall sell or furnish any tear gas or tear gas weapon to a minor.

(3)(i) No person shall purchase, possess or use any tear gas weapon which expels a projectile, or which expels the tear gas by any method other than an aerosol spray, or which is of a type, or size of container, other than authorized by regulation of the Department of Justice.

* * * * *

(4)(i) No person shall purchase, possess or use any tear gas or any tear gas weapon who has not completed a course certified by the Department of Justice in the use of tear gas and tear gas weapons pursuant to which a card is issued identifying the person who has completed such a course. Such a course may be taken in any training facility certified by the Commission on Peace Officer Standards and Training to offer such training. Such a training facility is authorized to charge a fee covering the actual cost of such training.

* * * * *

(5) No person shall purchase, possess or use any tear gas or tear gas weapon if such person has not been issued a permit by the police chief or sheriff having jurisdiction over the person's place of legal residence. The police chief or sheriff shall issue a permit to any person who has completed the course of training specified in paragraph (4), who is not a minor, and who has not been convicted of a felony. The police chief or sheriff may charge a fee covering the actual cost of processing the application which shall also include the fee charged by the Department of Justice for noncriminal fingerprint card processing. The valid permit shall be carried on the person when carrying tear gas or tear gas weapons and shall be presented for examination to the vendor from whom any tear gas or tear gas weapons are purchased. The sale of tear gas or tear gas weapons by a vendor to a person who fails to present an identifying permit is a violation of Section 12420.

Sec. 12422. Any person who changes, alters, removes or obliterates the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon is guilty of a public offense and, upon conviction, shall be punished by imprisonment in the state prison or by a fine of not more than two thousand dollars ($2,000) or by both.

Possession of any such weapon upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor, has changed, altered, removed, or obliterated the same.

Sec. 12435. Authority to issue; business regulations. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at retail at the place specified in the license of tear gas or tear gas weapons, and to permit the installation and maintenance of protective systems involving the use of tear gas or tear gas weapons subject to all of the following conditions upon breach of any of which the license shall be subject to forfeiture: [See State statute for details]

Chapter 5
Firearms Devices

Sec. 12500. Silencer. The term "silencer" as used in this chapter shall apply to and include all devices or attachments of any kind

designed, used or intended for use in silencing the report of a firearm.

Sec. 12501. Exemptions. Nothing in this chapter shall prohibit any peace officer listed in Section 830.1, or the military or naval forces of this state or of the United States from possessing silencers for official use in the discharge of their duties.

Sec. 12520. Possession; offense; punishment. Any person, firm or corporation who within this State possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars ($5,000) or by both.

Chapter 6
Miscellaneous

Sec. 12550. Necessity of parental consent; violation; misdemeanor. No person shall sell any firearm to any minor who is at least 16 years of age but not over the age of 18 years without the written consent of a parent or legal guardian of the minor.

Violation of this section is a misdemeanor.

Sec. 12551. Sale to minors; misdemeanor. Every person who sells to a minor any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, is guilty of a misdemeanor.

Sec. 12560. Violation; penalty. Every person who has been convicted of a felony under the laws of the United States, of the State of California, or of any other state, government, or country and who used a firearm in the commission of such felony, who owns or has in his possession or under his custody or control any firearm is punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both such term of imprisonment and such fine.

Sec. 12570. Purchase in contiguous state; laws applicable. Any person residing in this state may purchase any rifle or shotgun, as defined in the federal Gun Control Act of 1968 (18 U.S.C., Sec. 921 et seq.), in a state contiguous to this state pursuant to paragraph (3), subdivision (b), Section 922 of Title 18 of the United States Code, and in conformance with the rules and regulations prescribed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968. The purchase of any such rifle or shotgun pursuant to this section is also subject to any other applicable laws of this state and all such laws of the contiguous state in which the rifle or shotgun is purchased.

Government Code

Sec. 53071. Registration and licensing of firearms; exclusive regulation by legislature. It is the intention of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any political subdivisions as defined in Section 1721 of the Labor Code.

Adelanto

Ordinance No. 18

Section 6. Purchase of Firearm and Other Weapons. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a firearm * * *.

Alameda

16-512. Maxim silencer. It is hereby declared to be unlawful for any person, firm or corporation to have in its or his possession any Maxim silencer to be used, or that may be used, on any firearm or arms, or any similar apparatus or device to be used, or that may be used, on any firearm or arms.

16-517. Firearms * * *—Use or possession of by minors. It shall be unlawful for any persons to sell or give to any minor in the City of Alameda under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to possess, use, or discharge, any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

16-521. Sale, etc., except to permit holder unlawful. It shall be unlawful for any person, firm, association or corporation to sell, lease or otherwise transfer a pistol, revolver or other firearm of a size capable of being concealed upon the person, unless the person to whom the same is sold, leased or otherwise transferred, shall first exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such weapon.

16-522. Permit to acquire firearm—Application—Issuance—Sale not to be made without permit—Endorsement. Upon satisfactory proof being made to him that the person applying therefor is of good moral character and that good cause exists for the issuance thereof, the Chief of Police may issue to such person a numbered permit authorizing such person to purchase, lease or otherwise acquire a pistol, revolver or other firearm of a size capable of being concealed on the person [contact local authorities for required contents] * * * The Chief of Police shall retain the duplicate copy in the files of his office. No such sale, lease or other transfer of such a firearm shall ever be made without such a permit and unless the description of the person desiring such acquisition shall correspond with the description in such permit, nor unless such permit is then and there surrendered to the person from whom such firearm is received. The person selling, leasing or otherwise transferring such firearm shall endorse upon the permit the make, number and caliber of such firearm and immediately transmit the permit to the Chief of Police.

16-524. Purchase or acceptance of firearm without permit unlawful. It shall be unlawful for any person in the City of Alameda to purchase or accept delivery from any person, firm, association or corporation, outside the City, of any pistol, revolver or other firearm of a size capable of being concealed on the person, without first having procured a permit from the Chief of Police as provided in Section 16-522.

16-525. Article not applicable to officers or dealers receiving or transporting firearms. Nothing in this chapter shall apply to duly elected or appointed peace officers of any political subdivision of the State, or to bona fide dealers receiving or transporting unloaded pistols, revolvers and other firearms in the regular course of business.

Alameda County

4-11.0 Definition of dangerous weapon. Dangerous weapon shall mean and include: * * * * * (f) Any rifle, gun, pistol, revolver, * * * or other similar instrument or device designed or intended to discharge or capable of discharging a bullet, shot, or other missile of any kind.

4-11.1 Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided in Section 4-11.2, it shall be unlawful for any person in the unincorporated territory of Alameda County to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

4-11.2 Same: exceptions. Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of Section 4-11.0; nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as

so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some adult person; nor to prohibit any minor from using or having in his possession or control any dangerous weapon which is in good faith in his possession or control or use for his lawful occupation or employment or for the purpose of lawful recreation.

Alhambra

2642. Section One: It shall be unlawful for any person, firm or corporation to sell, exchange, give, loan or furnish to any person under eighteen years of age * * * any gun, revolver, pistol * * * or firearm of any description which discharges or propels any missile; * * * or any ammunition, cartridge or shell; or any other device containing any explosive substance designed and intended for use in any of the weapons enumerated herein.

* * * * *

Angels

Section 1. It shall be unlawful for any person to sell, give away or dispose, to fire, shoot, discharge or explode, within the limits of the City of Angels any pistol, gun, fire-arm, cannon, anvil or any other cracker, bomb, torpedo, sky-rocket, chaser, roman candle or any other kind of fire-works, except on Public occasions, fete days or occasions of public parade, and only on such time when written permission shall first have been obtained from the Board of Trustees of the City of Angels and which permission shall fix the time and place and restrict the manner in which such public demonstration may be had.

Antioch

Ordinance 153-C-S

Section 4-6.01 (b) It shall be unlawful for any person under the age of eighteen (18) years to have in his immediate possession any kind of gun, pistol or firearm designed to be loaded with gun powder or any other explosive substance, except under the direct supervision and control of an adult person.

Artesia

I. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

II. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Azusa

8.09.020. Possession of dangerous weapons by minors prohibited. Except as otherwise provided for in this Chapter, it shall be unlawful for any person under the age of eighteen years to have in his possession, or under his control, care, or custody, any gun, revolver, pistol, firearm, or device designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, firearm or device containing any explosive substance designed or intended to be used in or fired from any gun, pistol, or firearm * * *.

8.09.030. Providing dangerous weapons to minors unlawful. Except as otherwise provided for in this Chapter it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, or loaned, or in any way furnished, to any minor person under the age of eighteen years, any gun, revolver, pistol, firearm, * * * or device designed or intended to discharge or capable of discharging any dangerous missile or explosive substance. This Section shall not apply to or include any person who shall loan, give, or furnish to any minor person under the age of eighteen years any firearm or weapon or device when and only when it is so loaned, given or furnished to comply with and when such minor person under eighteen years of age actually participates in shooting at any of the designated target ranges in Section 8.09.050 or while going to and returning from such target ranges.

Baldwin Park

3508. No person shall sell at retail within the city, pistols, revolvers, or other firearms capable of being concealed upon the person without first having obtained a permit from the Chief of Police authorizing such person to make such sale * * *.

3509. The Chief of Police may issue a permit for the sale of firearms upon receiving an application in conformity with the form prescribed by the Attorney General and further in conformity with Article 4, Chapter 1, Title 2, Part 4 of the Penal Code of the State of California.

3520. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

3520.1 Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in the City of Baldwin Park the giving, loaning, or furnishing to any person under the age of eighteen (18) years any articles mentioned in Sections 3520, and 3521 hereof, nor to prohibit any persons under the age of eighteen (18) years from having in his or her care, custody, or control, any article mentioned in Section 3502.2 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person, or in the event that such person is under the direct supervision and control of some adult person.

Bellflower

* * * * *

Section 3400. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

Section 3401. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Section 3403. Nothing in Sections 3400, 3401, and 3402 shall be deemed or construed to prohibit in said City of Bellflower the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3400 and 3401 hereof:

* * * * *

Belmont

Sec. 15-38. Sale to minors. Sale of firearms to minors. No person shall sell, deliver or transfer to any person under the age of

eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Beverly Hills

Sec. 3-7.02. Furnishing weapons to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol, * * * or firearm of any description to any person under the age of eighteen (18) years.

Sec. 3-7.03. Furnishing ammunition to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any cartridge, shell or other device containing any explosive or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description containing any explosive or any ammunition of any description to any person under the age of eighteen (18) years.

Sec. 3-7.04. Possession of weapons by minors: Duty of parents. (a) Possession by minors. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession, care, custody or control any gun, revolver, pistol, * * * or firearm of any description * * * or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

* * * * *

Brisbane

Ordinance 28

Section 3. No person under eighteen (18) years of age shall purchase any of the parts, projectiles, supplies or devices set forth in Sections 1 and 2 of this Ordinance (which includes pistol, revolver, gun, rifle [of any caliber], cannon, anvil, or any other firearm) unless accompanied by his or her parent or guardian, who shall request said purchase.

Buena Park

18-13. Possession or use of firearms prohibited. No person under the age of eighteen years shall use or have in his possession any firearm, * * * or ammunition within the city.

18-14. Giving, selling, etc., of firearms to minors. No person shall give, sell or loan to any person under the age of eighteen years any firearm, * * * or ammunition.

Burbank

Sec. 20-57. License to Sell Firearms at Retail. Any person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms capable of being concealed upon the person, shall obtain the license required by Title 2, Chapter 1, Article 4, of the Penal Code of the State of California from the License Division, the purpose of this section being to provide for the granting of the local license prescribed by Section 12071 and amendments thereto of said Penal Code. * * *

Sec. 20-58. Unlawful to Sell without Prior Notice to Chief of Police. No person shall sell, deliver or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person, to any person without notifying the Chief of Police of the intended sale or transfer at least twenty-four (24) hours before the transfer is made, giving the name and address of the transferor, a description of the firearm, and the name and address of the transferee.

Sec. 20-63. Sale of Ammunition to Minors. No person shall sell, exchange, give or loan to any person under sixteen (16) years of age any ammunition, cartridge, shell, pellets, B-B shot, shot or other missile designed for use in any firearm * * *.

Sec. 20-64. Possession of Firearms by Minors. (a) No person under sixteen (16) years of age shall have in his possession any firearm * * * or ammunition * * *

This section shall not apply to a minor under the age of sixteen (16) years when engaged in shooting as provided for in Section 20-59 * * *, or when traveling to and from any of the places mentioned in Subsections (a), (b) and (c) of Section 20-59 for the purposes of shooting.

(b) Other Dangerous Devices.

No person under sixteen (16) years of age shall have in his possession any other device not mentioned in Subsection (a) capable of discharging a dangerous or deadly missile unless engaged in shooting or practicing at a location designated for such purpose by the Chief of Police, or when traveling to or from any such location, or when defending life or property.

(c) Applicability.

The preceding Subsections (a) and (b) shall be applicable to minors between sixteen (16) and eighteen (18) years of age, in possession of the items mentioned therein, without the consent of a parent or legal guardian.

Carpinteria

Chapter 6.1
Handgun Sellers' License
(Added by Ordinance 193)

Section 6610. Definition. For the purposes of this Chapter, the word "Handgun" shall have the following meaning: "Handgun" means pistols, revolvers, and other firearms capable of being concealed upon the person, as defined in Section 12001 of the Penal Code.

Section 6611. Purpose and Intent. The purpose and intent of this Chapter is to designate the City Clerk of the City of Carpinteria as the duly constituted licensing authority to grant licenses permitting an applicant to sell handguns in this City pursuant to Title 2, Chapter 1, Article 4 of the California Penal Code.

Section 6612. Application Procedure. Application for the license to sell handguns shall be made and conducted in the following manner: Application for license effective for one year from the date of issue shall be on forms made available by the City Clerk and prescribed by the Attorney General of the State of California.

Section 6613. Application for License to Sell Handguns. Upon payment of the fees fixed therefor in Section 6616, and the obtaining of all other applicable fees and licenses, the City Clerk shall issue and renew a license to sell handguns in the form prescribed by the Attorney General of the State of California pursuant to Penal Code Section 12071 if, and only if, all the following conditions are satisfied: (a) The applicant is eighteen years of age, or over; (b) The applicant has not been convicted of any crime involving the illegal use or possession of any weapon described in Penal Code Section 3024(f) or Penal Code Section 12020; (c) The applicant has not been adjudicated a mentally incompetent person or has not been adjudicated to be a member of a class of persons subject to proceedings pursuant to the Lanterman-Petris-Short Act contained in Section 5001, et seq. of the Welfare and Institutions Code. (d) The applicant has not willfully failed to disclose any material information required in the application; (e) The applicant has not made any false statement as to any material fact in connection with the application; (f) The applicant is not in violation, at the time of issuance or renewal of the license, of any of the provisions of this Chapter, or of any conditions contained in any license to sell handguns previously issued to the applicant pursuant to this Chapter, or contained in Penal Code Section 12071; and (g) The sale of handguns at the locations specified in the application is not prohibited by any provision of the zoning laws or ordinances of the City.

Carson

Section 4302. Minors, Selling or Giving Weapons To. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of 18 years, any gun, revolver, pistol, firearm, * * * or device designed to discharge, or capable of discharging, or any dangerous missile.

Section 4303. Minors, Providing Ammunition To. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

Section 4304. Minors, Discharging Weapons. Except as otherwise provided in Section 4305, no person under the age of 18 years shall * * * have in his or her possession * * * any gun, revolver, pistol, firearm, * * * or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

Section 4305. Exception To. Nothing in this Chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of 18 years, upon written consent of the parent or guardian of such person, any article mentioned in Sections 4302 and 4303 hereof; nor to prohibit any such person under the age of 18 years from having in his or her possession, * * * any article mentioned in Section 4304 hereof in the event that such possession * * * of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person. * * * * *

Cerritos

Ordinance 17

Section 1. * * * it shall be unlawful for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

Section 2. * * * it shall be unlawful for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Section 3. * * * it shall be unlawful * * * for any person under the age of eighteen (18) years * * * to have in his or her possession, care, custody, or control, any gun, revolver, pistol, firearm, * * * or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm

Section 4. Nothing in this ordinance shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 1 and 2 hereof; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control, any article mentioned in Section 3 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; * * *

Chula Vista

5.28.010 License required—Statutory authority applicable. No person shall engage in the business of selling or otherwise transferring, or advertise for sale or transfer any pistol, revolver or other firearm capable of being concealed upon the person, without first obtaining a license from the chief of police, which license shall be issued in accordance with the conditions and provisions contained in Article 4, Chapter 1, Title 2, Part 4 of the Penal Code, commencing at Section 12070. There shall be no charge for the issuance of this license.

9.32.010 Conveyance of firearms to minors prohibited. No person shall sell, exchange, give or loan to any person under the age of sixteen years any * * * gun, revolver, pistol or firearm of any description * * * designed or intended to discharge any pellets, or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

9.32.020 Possession of firearms by minors prohibited. No person under the age of sixteen years shall have in his possession, care, custody or control any article or thing set forth in the preceding section.

Clovis

4-6.07. Sale of firearms. (a) No person who is engaged in the business of selling, leasing, or otherwise transferring, and no person who sells, leases, or otherwise transfers, either title to or possession of a pistol, revolver, or other firearm of a size capable of being concealed upon the person, shall sell, lease, or in any other way transfer title to or possession of such pistol, revolver or other firearm, or deliver the same pursuant to such sale, lease, or transfer, unless the person to whom the same is sold, leased, transferred, or delivered shall at the time exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such pistol, revolver, or firearm; nor shall any person not having such permit receive or accept delivery or transfer of possession of such pistol, revolver, or other firearm of a size capable of being concealed on the person.

(c) No person shall sell, exchange, give, loan, or otherwise dispose of to any person under the age of eighteen (18) years any * * * rifle, pistol, revolver, gun, or any firearm of any description using B-B pellets, bullets, or shots, or which expels a deadly or dangerous missile by spring, air, gas, or gunpowder, or any ammunition, cartridge, shell, or other device capable of being projected or projecting a missile, whether or not containing any explosive substance.

Commerce

9.16.010 Giving firearms to minors. Except as otherwise provided in Section 9.16.040, it is unlawful for any person, firm, or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm * * *.

9.16.020 Giving ammunition to minors. Except as otherwise provided in Section 9.16.040, it is unlawful for any person, firm, or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

9.16.040 Exceptions. Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, lending, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.16.010 and 9.16.020 hereof; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 9.16.030 hereof in the event that the possession, care, custody, or control of the article is had with the consent of the parent or guardian of the person and is under the direct supervision and control of some adult person * * * * *.

Compton

3603. Firearms—Sale to minors. No person shall sell, exchange, give or loan to any person under 18 years of age any gun, revolver, pistol or firearm of any description * * * or any ammunition, cartridge, shell, or device containing any explosive substance designed and intended for use in any weapons enumerated herein.

3603.1 Minors—Possession of. No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

Contra Costa County

44-4.002 Firearms—Possession by minors. No minor under the age of sixteen years shall possess or use firearms of .22 calibre or greater or air guns except under the direct supervision and control of an adult.

44-4.008 Firearms—Ammunition sale to minors. No person shall sell or give to any minor under the age of sixteen years any ammunition capable of being used in any firearm, unless the minor is accompanied by a parent, legal guardian or adult authorized by the parent.

Corona

4-4-1. Minors, firearms, etc., sale, etc., to. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, * * * or any ammunition therefor, * * *

4-4-2. Possession prohibited. No person under the age of eighteen years shall have in his possession, care, custody or control any of the articles mentioned in Section 4-4-1 except within his own domicile or except when accompanied by and under the immediate supervision of a parent or guardian, or having in his possession written permission signed by such parent or guardian permitting him to have any of said articles in his possession.

Chapter 17
Retail Sale of Concealable Firearms

6-17-1: Purpose: The purpose of this Chapter 17 is to provide for the licensing of persons to engage in the business of selling by retail any pistol, revolver, or other firearm capable of being concealed upon the person, as provided for the Part 4, Title II, Chapter 1, Article 4 (commencing with Section 12070) of the California Penal Code, and hereinafter in this Chapter referred to as "Article 4".

6-17-2: Administration: The Chief of Police is hereby constituted the licensing authority for the City within the meaning of Section 12070 of Article 4, and is granted the authority to administer the provisions of this Chapter. The Chief of Police may delegate such authority to an employee or member of the City's Police Department, as he shall determine.

6-17-3: Issuance of license; fees: The Chief of Police, or his delegee, shall accept applications for, and may grant licenses permitting a person to sell at retail within the City of Corona pistols, revolvers, and other firearms capable of being concealed upon the person. If such a license is granted it shall be effective for not more than one year from the date of issuance or such shorter period of time as the Chief, or his delegee, may provide.

* * * * *

6-17-7: Exceptions: This Chapter shall not be applicable to any person who makes only those sales, as described in Section 12078 of the California Penal Code.

Cudahy

Article 4—Firearms

Sec. 3500. Providing firearms to minors. Except as otherwise provided in Section 3503 of this article, it shall be unlawful in the City for any person to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years any gun, revolver, pistol, firearm, * * *.

Sec. 3501. Providing ammunition to minors. Except as otherwise provided in Section 3503 of this article, it shall be unlawful in the City for any person to sell, give, lend, or in any way furnish, or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years any cartridge, shell, ammunition, or device containing any explosive substance designed, or intended to be used in or fired from any gun, revolver, pistol, or firearm.

Sec. 3503. Possession or use of firearms or ammunition by minors: Exceptions. Except as provided in Sections 3503.1, 3503.4, and 3503.5 of this article, nothing in this article shall be deemed or construed to prohibit in the City the selling, giving, lending, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 of this article * * *.

Culver City

Section 36-9. Minors—Sale of Firearms to. It shall be unlawful for any person to sell, exchange, give or loan to any person under 18 years of age, any gun, revolver, pistol or firearm of any description.

Section 36-10. Same—Possession of Firearms. No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding Section.

Daly City

Sec. 16-5. Firearms, explosives, cartridge or metallic caps—Sale, exchange, etc., to minors under eighteen years of age. No person shall expose for sale, sell or offer for sale, barter or exchange or offer to barter or exchange to or with any minor under the age of eighteen years, any pistol or other firearm or any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap, whether loaded or not with ball.

Sec. 16-6. Same—Possession by minors under eighteen years of age. No person under the age of eighteen years shall have in his possession, expose, use or discharge any pistol or other firearm, or have in his possession any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap whether loaded with ball or not.

* * * * *

Sec. 19-6. Firearms * * * Permit required for use. No person shall exhibit, manufacture, sell, expose for sale, set off, discharge or cause to be set off or discharged any ordnance, gun, rifle, pistol or other firearm or * * * gunpowder * * * within the city, except after a permit has been obtained from the city council.

* * * * *

Del Ray Oaks

Ordinance 112

1. No person under the age of sixteen (16) years shall have in his possession, care, custody or control any revolver, pistol or firearm of any description or any air or gas-operated gun designed to fire a bullet, pellet or metal projectile, or any ammunition, cartridge, shell, pellet or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein, unless personally accompanied by and under the direct supervision of an adult.

2. No person shall sell, display for sale, or store preparatory for sale any firearm within the city limits of Del Rey Oaks unless said person has fully complied with all of the following conditions:

a) The Seller shall hold a Federal Firearms Permit and shall meet all of the provisions of the Gun Control Act of 1968.

b) The Seller shall have obtained a permit from the Chief of Police authorizing the storage of the firearms within the City of Del Rey Oaks. * * *

* * * * *

5. Private persons selling their own firearms and not engaged in the commercial sale of the same shall be exempted from the purview of this ordinance. For the purpose of this ordinance, a person selling three (3) or more firearms in any calendar year shall be conclusively deemed to be engaged in the commercial sale of firearms and shall be required to comply with the terms of this ordinance.

Downey

4112. Weapons: Furnishing to minors. Except as otherwise provided in Section 4114 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen (18) years, any * * * gun, revolver, pistol, firearm, * * * or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4113. Minors. Possession. Except as otherwise provided in Section 4114 hereof, no person under the age of eighteen (18) years shall fire, discharge, shoot, or operate, or have in his or her possession, care, custody, or control, any * * * gun, revolver, pistol, firearm, * * * or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm.

4114. Exceptions. Nothing in Sections 4112 or 4113 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in said Sections, nor to prohibit any such person under the age of eighteen (18) years from having in his or her possession, care, custody or control, any article mentioned in said Sections hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; * * *.

Duarte

9.52.060 Furnishing weapons to minors prohibited. Except as otherwise provided in Section 9.52.090, it shall be unlawful in the city of Duarte for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *

9.52.080 Use or possession by minors prohibited. Except as otherwise provided in Section 9.52.090, it shall be unlawful in the city of Duarte, for any person under the age of eighteen years to fire, discharge, shoot, or operate, or to assist or participate in the firing, discharging, shooting, or to have in his or her possession, care, custody or control, any gun, revolver, pistol, firearm, * * * or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

El Cajon

9.92.020 Firearms—Sale to minors. No person shall sell within the city to any minor child any * * * pistol, revolver, gun, rifle or any other firearm or device fired or discharged by explosives.

El Cerrito

Section 10.48.020. Firearms—Sale to minors. It is unlawful for any person to sell to any minor in the city * * * any firearm, or gun, or rifle or other gun or device discharging by the use of powder * * * except when accompanied by parent or legal guardian; provided that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the Council.

El Monte

12.3. Permits required. a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

4250. Firearm. Defined. For the purposes of this Part, a firearm is defined as any object capable of discharging or projecting any missile, including but not limited to: shotgun, rifle, pistol, revolver, * * * target pistol, target gun * * * tommy gun, wham-o gun, or any other similar device for the discharging or propelling of missiles capable of inflicting injury to person or property.

4251. Same. Possession by minors prohibited. No person under the age of 16 years shall own, possess, shoot, discharge, or use any firearm.

4252. Same. Parental duty. No parent, guardian, custodian or person in charge of any person under the age of 16 years shall permit any such person under the age of 16 years to own, possess or use any firearm.

4253. Same. Sale to minors prohibited. No person shall give, lend, sell, deliver, or transfer possession of any firearm to a person under the age of 16 years.

El Segundo

5.44.010 Director of Finance Licensing Authority. The director of finance is designated the duly authorized licensing authority of the city for the sale of pistols, revolvers and other firearms capable of being concealed upon the person.

The director of finance is directed to comply with the provisions of Section 12071 of the Penal Code of the state of California.

5.44.020 Application. An application shall be filed in writing with the director of finance on forms provided by the city.

5.44.030 Investigation. The director of finance shall refer each application for a permit, or renewal of such permit, to the chief of police, who, upon receipt thereof, shall conduct an appropriate investigation. Such investigation shall include, at a minumum, the following factors:

(1) The security of the premises on which the business is conducted;

(2) The criminal record or lack thereof of the applicant;

(3) Compliance with all applicable sections of United States and California law governing the sale of firearms.

The chief of police may cause the fingerprints to be taken of any person who files an application pursuant to this chapter.

5.44.040 Permit Issued—Renewed. After investigation, the director of finance may issue or renew the permit if he finds:

(1) The applicant, his employee, agent or any person associated with the applicant as partner, director, officer, stockholder, associate or manager has not been convicted of a felony;

(2) The premises in which the business will be carried on provides secure protection against theft, loss or misplacement of concealable firearms, and complies with and meets all health, zoning, fire, building and safety requirements;

(3) That the applicant will comply with all applicable provisions of law concerning the sale of firearms.

Fontana

Sec. 32-11. Sale, etc., of weapons, ammunition, etc., to minors. No person shall sell, exchange, give or lend to any person under eighteen years of age any * * * gun, revolver, pistol or firearm of any description * * * or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

No portion of this section shall prohibit the giving, lending or possession of any * * *, rifle, shotgun or pistol, or any ammunition for such firearm, * * * nor prohibit the selling thereof for such purpose provided the minor has the written consent of a parent or legal guardian.

Foster City

9.88.060 Sale to minors prohibited. No person shall sell, deliver or transfer ownership to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a projectile propelled by the expansion of a gas, powder or air.

Fremont

* * * * *

Sec. 3-3100. Sale of Weapons to minors. Except as otherwise provided in section 3-3103 of this Code, no persons shall sell, give, loan, or in any way furnish to any person under the age of sixteen years, any gun, revolver, pistol, firearm, * * * or other device designed or intended to discharge, or capable of discharging, any dangerous missile.

Sec. 3-3101. Sale of ammunition to minors. Except as otherwise provided in section 3-3103 of this Code, no person shall sell, give, loan, or in any way furnish, to any person under the age of sixteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or other firearm.

Sec. 3-3103. Prohibition does not apply to licensed hunters. Nothing in sections 3-3100, 3-3101 or 3-3102 of this Code shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing of any article mentioned in sections 3-3100 and 3-3102 of this Code, to any person under the age of sixteen years who is the holder of a valid hunting license issued to such person in accordance with the provisions of the Fish and Game Code of the state; nor prohibit any such licensee under the age of sixteen years from using or possessing any article mentioned in section 3-3102 of this Code. * * *

* * * * *

Fullerton

3.55.010 Definition. "Seller of concealable firearms" means any person who sells or offers for sale at retail any pistols, revolvers or other firearms capable of being concealed upon the person.

3.55.015 Permit required. No person shall engage in, conduct, manage or carry on the business of seller of concealable firearms without a written permit from the chief of police. * * *

3.55.020 Fixed location. Each permittee must have a fixed place of business. Sales of concealable firearms may only be made from that fixed place of business.

Gardena

Sec. 3-3.101. Definitions. For the purposes of this article, certain words and terms used herein are defined as follows: (a) "Firearm" shall include, but not be limited to, any gun, revolver, pistol, firearm, * * * or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance, spring, or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm. * * * * *

Sec. 3-3.103. Possession of firearms by minors. No person under eighteen (18) years of age shall have in his possession * * * any firearm.

Sec. 3-3.104. Furnishing firearms to minors. It shall be unlawful for any person to sell, exchange, give, or loan to any person under eighteen (18) years of age any firearm.

Glendale

Ordinance 1260

Section 1: It shall be unlawful for any person, firm or corporation to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, in the City of Glendale, any gun, revolver, pistol or firearms of any description to any person under the age of eighteen (18) years.

Section 2: It shall be unlawful for any person, firm or corporation to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, in the City of Glendale, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description containing any explosive, to any person under the age of eighteen (18) years.

* * * * *

Section 4: It shall be unlawful for any person under the age of eighteen (18) years to have in his or her possession, care, custody or control, in the City of Glendale, any gun, revolver, pistol, spring or air gun, or firearms of any description, or any cartridge, shell, or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description containing any explosive.

Ordinance 4254

Article VII. Concealable Firearms; Retail Sales. Sec. 19-80. Permit required. No person shall within the city engage in the business of selling or otherwise transferring any handgun, pistol, revolver or other firearm capable of being concealed upon the person without first having received a revocable permit from the chief of police authorizing such person to make such sales.

Sec. 19-81. Permit application and issuance. The chief of police shall issue a revocable permit for the sale of firearms described in this section * * * whenever: (a) The applicant has an established place of business within the city; and (b) The applicant is a person of good moral character and has not been convicted of any felony or misdemeanor involving the violation of any law of the State of California or ordinance of the city relating to the owning, carrying, sale, use or registration of any firearm or dangerous or deadly weapon.

Sec. 19-83. Conditions of permit, revocation. Any permit issued shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the permit by the chief of police:

1. The business shall be carried on only in the building designated in the license.
2. The license or a copy thereof, certified by the issuing authority shall be displayed on the premises where it can easily be seen.
3. No pistol or revolver shall be delivered within fifteen (15) days of the application for the purchase, and in addition, the purchaser must be personally known to the seller or the purchaser must present clear evidence of his identity to the seller.
4. No pistol or revolver shall be delivered unless it is unloaded and securely wrapped.

Guadalupe

Ordinance 66

Section 2. Sale of firearms to minors. It shall be unlawful for any person to sell to any minor in the City of Guadalupe, * * * any firearm, or gun, or rifle or other gun or device discharging by the use of powder, * * * any bullet or shot of any kind, * * *.

* * * * *

Half Moon Bay

IX. Weapons

9.48.060 Sale to minors prohibited. No person shall sell, deliver or transfer to any person under the age of eighteen years, own-

ership of any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

Hawaiian Gardens

* * * * *

9.60.010 Sale of weapons to minors. Except as otherwise provided in Section 9.60.040, it is unlawful in the city for any person, firm or corporation to sell, give, lend or in any way furnish to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *.

9.60.020 Sale of ammunition to minors. Except as otherwise provided in Section 9.60.040, it is unlawful in the city, for any person, firm or corporation, to sell, give, lend, or in any way furnish or to cause or permit to be held, given, lent, or in any way furnish, to any person under the age of eighteen years any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol or firearm.

9.60.030 Minors possessing or shooting weapons. Except as otherwise provided in Section 9.60.040, it is unlawful in said city, for any person under the age of eighteen years to fire, discharge, shoot or operate, or to assist or participate in the firing, discharging, shooting, or operating, or to have in his or her possession, care, custody, or control, any gun, revolver, pistol, firearm, * * * or any cartridge, shell, ammunition, or device containing any exploding substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

9.60.040 Supervision and control of minors. Nothing in this chapter shall be deemed or construed to prohibit in said city the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.60.010 and 9.60.020, nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 9.60.030, in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person, nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting, or operating any article mentioned in Section 9.60.030 when such person is accompanied by, and under the direct care and control of, some adult person and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed in said city, or is lawfully engaged in shooting at any inanimate target, or trapshooting device, while accompanied by, and under the direct care and control of, some such adult person.

* * * * *

Hawthorne

Sale of Firearms and Ammunition to Minors

9.78.010 Regulations. A. Selling. No person shall sell, exchange, give or loan any cartridge, shell, ammunition or other device containing any explosive, or designed and intended for use in connection with any gun designed and intended to discharge any pellet, shot or other dangerous missile, to any person under the age of eighteen years.

B. Possession. No minor under the age of eighteen years shall have in his possession, care, custody or control any gun, revolver, pistol or other firearm, or any cartridge, shell, ammunition or other device containing any explosive, or designed and intended for use in connection with any gun, revolver, pistol or other firearm.

Hayward

3-4.00 Dangerous weapon. Definition. Dangerous weapon shall mean and include: 6. Any rifle, gun, pistol, revolver, * * * or other similar instrument or device designed or intended to discharge or capable of discharging a bullet shot, or other missile of any kind.

3-4.10 Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided herein, it shall be unlawful for any person in the City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

3-4.11 Same. Exceptions. Nothing in this Article shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision 6 of Section 3-4.00 * * *.

Hermosa Beach

* * * * *

Sec. 18-1. Firearms—Sale to minors. No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other device containing any explosive substance designed and intended for use in any weapon enumerated herein.

Sec. 18-2. Same—Possession by minors. No person under eighteen years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

* * * * *

Industry City

9.56.010 Furnishing weapons—Unlawful. Except as otherwise provided in Section 9.56.040, it is unlawful in the city, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * * or device, designed or intended to discharge, or capable of discharging, any dangerous missile.

9.56.020 Furnishing ammunition—Unlawful. Except as otherwise provided in Section 9.56.040, it is unlawful in the city, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

9.62.080 Sale of firearms—Permit required. No person shall sell at retail within the city a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the county sheriff authorizing such person to make such sale.

Inglewood

Section 5-19.1. Firearm Sale to Minor Prohibited. It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen years of age, any * * * gun, revolver, pistol or firearm of any description * * * or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, whether designed or intended for use in any weapons enumerated herein or not.

Section 5-19.2. Firearm Possession by Minors Prohibited. It shall be unlawful for any person under 18 years of age to have in his possession, care, custody or control, any weapon or article designated in Section 5-19.1.

Irwindale

4135. Permit to Sell. No person shall sell at retail within the City a pistol, revolver or other firearm capable of being concealed upon the person without first having received a

permit from the Sheriff of Los Angeles County authorizing such person to make such sale.

4140. Weapons. Sale to Minors. Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *.

4141. Ammunition. Sale to Minors. Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm, except ordinary paper caps for toy cap guns.

4142. Weapons. Minors, Possession and Use Prohibited. Except as otherwise provided in Section 4143 hereof, no person under the age of eighteen years shall * * * have in his or her possession, care, custody, or control, any gun, revolver, pistol, firearm, * * * or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fire from any gun, revolver, pistol, or firearm.

4143. Same. Same. Consent of Parent. Nothing contained in Sections 4140, 4141 or 4142 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in said sections; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 4142 in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; * * *.

Isleton

42.1. It shall be unlawful for any person, firm, co-partnership, association or corporation to sell at retail within the Town of Isleton any pistol, revolver or other firearm capable of being concealed upon the person, as such firearms are defined by the terms of Chapter 339 of the Statutes of the State of California of the year 1923, without first procuring from said Town of Isleton, a license so to do.

2-3. No pistol or revolver shall be delivered (a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Lakewood

3520. Unlawful Sale, Gift or Furnishing. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * * or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in said City of Lakewood the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, * * *.

La Mesa

10.28.010. Firearm defined. As used in this chapter, the word "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive. * * *

10.28.020. Possession of firearm by infant. No person under the age of eighteen shall be allowed to have in his possession within the city limits of the city of La Mesa any firearm presently capable of expelling a projectile.

La Mirada

9.40.010. Except as otherwise provided in Section 9.40.040 hereof, it shall be unlawful in the City of Mirada Hills for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

9.40.020. Except as otherwise provided in Section 9.40.040 hereof, it shall be unlawful in the City of Mirada Hills, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen years (18), any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

9.40.040. Nothing in Sections 9.40.010, 9.40.020, * * * shall be deemed or construed to prohibit in the City of Mirada Hills the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.40.010 and 9.40.020 hereof; * * *.

La Puente

* * * * *

3.12.090 Retail sale permit—Required. No person shall sell at retail within the city, a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the County Sheriff authorizing such persons to make such sale.

* * * * *

3.12.140 Furnishing firearms to minors prohibited. Except as otherwise provided in Section 3.12.170, it shall be unlawful in the City of La Puente for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished; to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *.

3.12.150 Furnishing ammunition to minors prohibited. Except as otherwise provided in Section 3.12.170, it is unlawful in the city for any person, firm or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

3.12.160 Possession or firing of firearm by minor prohibited. Except as otherwise provided in Section 3.12.170, it is unlawful in the city for any person under the age of eighteen years * * * to have in his or her possession, care, custody or control any gun, revolver, pistol, firearm, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

3.12.170 Exceptions from prohibition. Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning, or furnishing to any person

under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3.12.140 and 3.12.150, nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control, any article mentioned in Section 3.12.160 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

* * * * *

Lodi Lake Park

Lodi City Code

* * * * *

Sec. 15-7. Firearms prohibited in Lodi Lake Park. Any person, excepting public officers, possessing, carrying or discharging firearms within the boundaries of the lands of the city commonly known and designated as "Lodi Lake Park" is guilty of a misdemeanor.

Lomita

Chapter 3
Weapons

Sec. 3-3.01. Minors—Furnishing weapons to prohibited. Except as otherwise provided in section 3-3.04 hereof, it shall be unlawful in the City of Lomita for any person, firm or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

Sec. 3-3.02. Same—Furnishing ammunition to prohibited. Except as otherwise provided in section 3-3.04 hereof, it shall be unlawful in the City of Lomita for any person, firm or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol, or firearm.

Sec. 3-3.04. Same—Selling, giving, lending, possessing with consent or under supervision of parent or guardian. Nothing in this chapter shall be deemed or construed to prohibit in said City of Lomita the selling, giving, lending or furnishing to any person under the age of eighteen (18) years, upon the written consent of a parent or guardian of said person, any article mentioned in sections 3-3.01 and 3-3.02 hereof; * * *.

Lompoc

Sec. 10A-25. Concealable Firearms Retail Sales Licenses. (a) This section is adopted to comply with the requirements of section 12071 and related sections of the California Penal Code.

(b) Applications to sell at retail within the city, pistols, revolvers and other firearms capable of being concealed upon the person, shall be made to the City Clerk. Each application shall include a $10.00 fee. The fee is not refundable in the event the license is not issued. The City Clerk shall issue the license, after receiving the approval of the Chief of Police. * * * * *

Long Beach

4180.4—Same—Sale, gift or loan of firearms to. No person, as principal, agent or otherwise, shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearm of any description to any person under the age of eighteen years.

4180.5—Same—Sale, etc., of * * * ammunition to persons under eighteen years of age. No person as principal, agent or otherwise, shall sell, exchange, give or loan any * * * missile designed or intended for use in any, * * * pistol or gun, or any cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol, or firearm of any description, to any person under the age of eighteen years.

4180.7. Possession by minor under eighteen of firearms, air guns or ammunition. No person, as principal, agent or otherwise, under the age of eighteen years, shall have in his or her possession, care, custody, or control, any gun, revolver, pistol, * * * or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever.

Los Angeles

Los Angeles Municipal Code

Sec. 45.01 Firearms * * * Sale to minors: No person shall sell, exchange, give or loan to any person under 18 years of age any * * * gun, revolver, pistol or firearm of any description, * * * or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

Sec. 45.02 Firearms—Minors—Possession of: No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

* * * * *

103.314. Sellers of concealable firearms: (a) Definition. "Seller of Concealable Firearms" shall be any person who sells or offers for sale at retail any pistols, revolvers, or other firearms capable of being concealed upon the person, including any pistol, revolver or gun which detonates or fires an explosive compound in any manner and discharges or is capable of being altered so as to discharge a projectile.

(b) Permit required. No person shall engage in, conduct, manage, or carry on the business of seller of concealable firearms without a written permit from the Board.

(c) Fixed location. Each permittee must have a fixed place of business. Sales of concealable firearms may only be made at said fixed location.

Los Angeles County

1567-1. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of Los Angeles County, for any person, firm, or corporation, to sell, give loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * * or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

1567-2. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of said Los Angeles County, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

1567-4. Nothing in this ordinance shall be deemed or construed to prohibit in said Los Angeles County the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Section 1 and 2 hereof; * * *.

Los Banos

Policy
Concealable Weapons Dealer License

I. Policy. A. The Chief of Police or his designated representative shall review each application for a License to Sell Concealable Firearms on an individual basis.

* * * * *

License Conditions

3. No pistol or revolver shall be delivered: (a) within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

* * * * *

Los Gatos

Sec. 17-13. Same—Sale to minors; possession and use by minors. No person shall sell to any minor in the town under the age of sixteen years, and no person shall sell or give to any minor in the town under the age of eighteen years, without written consent of his parent or guardian, any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected. No such minor shall use or possess any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected. * * *

Lynwood

22-38. Furnishing ammunition to persons under eighteen. Except as otherwise provided in this article, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish or to cause or permit to be sold, given, loaned or in any way furnished to any person under the age of eighteen (18) years any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

22-40. Persons under eighteen possessing or discharging firearms and other weapons. Except as otherwise provided in this article, it shall be unlawful in the city for any person under the age of eighteen (18) years to have in his possession * * * any firearm * * * or device designed or intended to discharge, or capable of discharging any dangerous missile, or any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any firearm.

22-41. Parental consent for persons under eighteen. Nothing in this article shall be deemed or construed to prohibit in the city * * * any person under the age of eighteen (18) years from having in his possession * * * any weapon mentioned in this article in the event that such possession * * * of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some person over the age of twenty-one (21) years.

Montclair

Chapter 5. Weapons

Sec. 4-5.01. Definitions. For the purposes of this chapter, certain words and phrases used herein are defined as follows: (a) "Firearm" shall mean and include, but shall not be limited to, any gun, revolver, pistol, firearm, * * * or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance or spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm.

Sec. 4-5.03. Possession by minors. No person under eighteen (18) years of age shall have in his possession, care, custody or control, * * * any firearm.

Sec. 4-5.04. Sales to minors. It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen (18) years of age, any firearm.

Monterey Park

9.84.010 Possession—By minor. No person shall give, sell or loan to any person under the age of eighteen years, any firearm, * * * or ammunition.

9.84.020 Possession—Prohibited. No person under the age of eighteen years, shall use or have in his possession any firearm, * * * or ammunition within the city.

Newark

Section 6. Person Under 16 Years of Age Prohibited from Carrying Dangerous Weapon: exceptions: No person under the age of 16 years shall carry or have in his possession a dangerous weapon unless such person is accompanied by an adult, or has in his possession and on his person a valid, unrevoked, unexpired hunting license issued by the State of California.

Section 7. Permitting Person Under 16 Years of Age from Carrying Dangerous Weapon Prohibited. Any parent or other person permitting or encouraging any person under the age of 16 years to violate the provisions of Section 6 hereof shall be guilty of a misdemeanor.

Norwalk

4302. Minors, Selling or Giving Weapons to. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any gun, revolver, pistol, firearm * * *.

4303. Same, Providing Ammunition to. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4305. Same, Exception to. Nothing in this Chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of 18 years, upon written consent of the parent or guardian of such person, any article mentioned in Sections 4302 and 4303 hereof; * * *.

Oakland

2-2.30. Firearms and air rifles. Use or possession of by minors. It shall be unlawful for any person to sell or give to any minor in the City of Oakland under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver * * *, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

2-2.31. Maxim silencers. It shall be unlawful for any person to have in his possession any Maxim silencer to be used or that

may be used on any firearm or any similar apparatus or device to be used or that may be used on any firearm.

Oceanside

Ordinance No. 75-5

ARTICLE III. Sec. 15.38 Purpose. The purpose of this article is to set forth the procedures for the issuance and revocation of the state license to sell concealable firearms.

Sec. 15.39 Application. Any person desiring a state license to sell concealable firearms shall make written application to the license inspector, who shall refer the application to the appropriate city departments for investigation as to: (1) Security of the business premises; (2) Criminal record or lack thereof of applicant; (3) Applicant's reputation for honesty and integrity in the community.

Orange County

Sec. 5-1-29. Licenses required. It shall be unlawful for any person, firm or corporation to engage in, conduct, manage or carry on any of the following businesses, practices, professions or occupations within the unincorporated area of the County of Orange without first having obtained a license therefor in accordance with division 2 of this title: * * * * * (n) Retail sale of concealable firearms.

Sec. 5-3-240. Licensing of retail sellers of concealable weapons. The Sheriff of Orange County is hereby designated as the licensing authority for said County and is authorized to issue licenses therefor pursuant to Article 4 of Title 2 of Part 4 of the California Penal Code (commencing with Section 12070) as said Article exists or may be amended from time to time for the sale at retail of pistols, revolvers and other firearms capable of being concealed upon the person.

Pacifica

5-14.01. Firearms: Defined. For the purposes of this chapter, "firearms" shall mean and include cannons, guns, pistols, revolvers, automatic pistols, rifles, shotguns, * * *.

5-14.04. Firearms: Possession by minors. (a) Unlawful. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession in a public place any firearm except as provided in subsection (b) of this section.

(b) Exceptions. The provisions of subsection (a) of this section shall not apply to such persons under the age of eighteen (18) years: (1) When the person under the age of eighteen (18) years is in the immediate charge of a parent, guardian, or adult person having the responsibility for the conduct of such minor person; and (2) When the firearm is unloaded and is either in a dismantled or "take-down" condition or completely wrapped or in a carrying case made for the purpose of carrying such firearm. A gun shall be deemed to be unloaded only when no ammunition or propellant is in any part of the gun or magazine or clip thereof.

Palmdale

Ordinance No. 258

Section 1. No person shall engage in the business of selling or otherwise transferring, or shall advertise for sale, or offer or expose for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, unless he has been issued a license pursuant to Section 2 hereof. Any person violating this section is guilty of a misdemeanor.

Section 2. The City Clerk shall accept applications for, and may, in his discretion, grant licenses permitting the licensee to sell at retail within the City of Palmdale pistols, revolvers, and other firearms capable of being concealed upon the person. [The license] * * * shall be effective for not more than one year from the date of issue, and shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the City Clerk, shall be displayed on the premises where it can easily be seen.

(3) No pistol or revolver shall be delivered

(a) within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

(4) No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

Paramount

Sec. 30-33. Sale to minors. Except as otherwise provided in section 30-36, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *

Sec. 30-34. Sale of ammunition to minors. Except as otherwise provided in section 30-36, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

Sec. 30-36. Exceptions to sections 30-33 to 30-35. Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 30-33 and 30-34; nor to prohibit any such person under the age of eighteen years from having in his possession, care, custody or control any article mentioned in section 30-35 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting, or operating any article mentioned in section 30-35 when such person is accompanied by, and under the direct care and control of, some adult person and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed in the city, or is lawfully engaged in shooting at any inanimate target, or trapshooting device, while accompanied by, and under the direct care and control of, some such adult person.

Pico Rivera

3520. Unlawful Sale, Gift or Furnishing. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Pico Rivera for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm. * * * or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.2. Unlawful Use. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Pico Rivera for any person under the age of eighteen (18) years * * * to have in his or her possession, care, custody or control any gun, revolver, pistol, firearm, * * * or devices designed or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, am-

munition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in said City of Pico Rivera the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, nor to prohibit any such person under the age of eighteen (18) years from having in his or her possession, care, custody or control, any article mentioned in Section 3520.2 hereof in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

Piedmont

12.5. Firearms, etc.—Sales or gifts to minors; use or possession by minors; exceptions. It shall be unlawful for any person to sell or give to any minor in the city, under the age of eighteen years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, however, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs or organizations and educational institutions authorized to give firearm instructions, while such firearms or other instruments are being used as a part of such instructions, nor to the possession of unloaded firearms, * * * or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

Pittsburg

9.92.030 No person, firm or corporation shall sell, offer for sale, deliver, transfer, or give to any minor under the age of eighteen (18) years, nor shall such minor under the age of eighteen (18) years keep, carry or possess, any pistol, revolver, gun, rifle or other firearm or device, regardless of the length of the barrel thereof, discharging by the use of powder, air or springs, any bullet, shot or other object: provided that the provisions of this section shall not apply to the possession of firearms, or other such devices, by such minors under eighteen (18) years in duly licensed shooting galleries and/or on pistol and rifle ranges approved by the Chief of Police.

Placentia City

(c) It shall be unlawful to sell, give away, barter, or trade, any gun, pistol, or firearms * * * to any minor under the age of eighteen years without the written consent of the Police Department.

(d) It shall be unlawful to sell, give away, barter, or trade any ammunition, * * * used for shooting from pistols, guns or fire arms, * * * to any person under the age of eighteen years without the written consent of the Police Department.

(e) It shall be unlawful for any parent, juvenile, or any person, to transport or have shipped into the City of Placentia, any of the above-mentioned items for the use of any person under the age of eighteen years.

Pleasant Hill

Ordinance 52

Section 1. Selling or furnishing guns to persons under 18 Prohibited. It is unlawful for a person to sell, give, loan, or furnish to anyone under the age of 18 years, a gun, firearm, * * *

Section 2. Selling or furnishing ammunition to person under 18 prohibited. It is unlawful for a person to sell, give, loan, or furnish to a person under the age of 18 years, a cartridge, shell, ammunition, or device containing an explosive substance, designed or intended to be used in or fired from a gun or firearm.

* * * * *

Section 4. Exceptions. This ordinance does not apply to: (1) A person who sells or furnishes an article mentioned in Section 1 or Section 2 to a person under 18 upon the written consent of the parent or guardian;

* * * * *

Ordinance 308

8-805. Possession of firearms by persons under 18 years of age prohibited. No person under 18 years may have in his possession or control a firearm * * * or other gun or device which throws or projects a dangerous missile, or a cartridge, shell, ammunition or device containing an explosive substance.

Portola Valley

* * * * *

Article 2. Sale of Certain Firearms. Section 3255.0. Portions of Penal Code Adopted. The provisions of Sections 12070-12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Section 3255.1. Sheriff's Licensing Authority. The Sheriff is hereby designated and appointed the duly constituted licensing authority of this County for the purpose of this article. All applications for licenses under the foregoing Penal Code Sections shall be made to the Sheriff and he is hereby authorized to grant licenses, effective for one year from the date of issue * * *

Section 3255.2. Conditions of License. Licensees shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

a. The business shall be carried on only in the building designated in the license.

b. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

c. No pistol or revolver shall be delivered (1) Within three days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (2) Unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

d. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

Section 3255.3. Copies of Register Sheet, Disposition of. Licensees shall, immediately upon receiving an application for purchase, mail a copy of the register sheet required to be maintained to the Bureau of Criminal Identification and Investigation and to the Sheriff, as required by Penal Code Section 12076. The Sheriff shall, upon receiving said copy, investigate and report to said retailer whether or not the purchaser is known to be a minor under the age of eighteen (18) years or within one of the classes of persons prohibited by Section 12021 of said Penal Code from owning or possessing such weapon. Such persons are narcotics addicts, persons convicted of felonies and persons not citizens of the United States.

* * * * *

Redding

19.19. Same—Sale of firearms thereto. It shall be unlawful to expose for sale, sell, or offer for sale, barter or exchange, to or with any minor under the age of eighteen years, any pistol or other firearm, or any instrument

capable of discharging any charge of powder, or other explosives, or any cartridge loaded with ball.

Redwood

* * * * *

Section 3250.5. Sale of certain firearms prohibited to minors. No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas.

Article 2. Sale of certain firearms

Section 3255.0. Portions of penal code adopted. The provisions of Sections 12070-12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Section 3255.1. Sheriff's licensing authority. The Sheriff is hereby designated and appointed the duly constituted licensing authority of this County for the purpose of this article. * * *

Section 3255.2. Conditions of license. Licensees shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture: * * * c. No pistol or revolver shall be delivered

(1) Within three days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(2) Unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

Section 3255.3. Copies of register sheet, disposition of. Licensees shall, immediately upon receiving an application for purchase, mail a copy of the register sheet required to be maintained to the Bureau of Criminal Identification and Investigation and to the Sheriff, as required by Penal Code Section 12076. The Sheriff shall, upon receiving said copy, investigate and report to said retailer whether or not the purchaser is known to be a minor under the age of eighteen (18) years or within one of the classes of persons prohibited by Section 12021 of said Penal Code from owning or possessing such weapon. Such persons are narcotics addicts, persons convicted of felonies and persons not citizens of the United States.

Rolling Hills

Ordinance 8

Section 1: Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Rolling Hills for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or to permit to be sold, given, loaned or in any way furnished to any person under the age of sixteen (16) years any gun, revolver, pistol, firearm, * * *

Section 2: Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Rolling Hills for any person, firm, or corporation to sell, give, loan or in any way furnish or to cause or to permit to be sold, given, loaned or in any way furnished to any person under the age of sixteen (16) years, any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

* * * * *

Section 4: Nothing in this Ordinance shall be deemed or construed to prohibit in the City of Rolling Hills the selling, giving, loaning or furnishing to any person under the age of sixteen (16) years upon the written consent of the parent or guardian of such person, any article mentioned in Sections 1 and 2 hereof * * *

Rosemead

Chapter V—Firearms

3500. Firearms Prohibited to Minors. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Rosemead for any person, firm, or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

3501. Ammunition Prohibited to Minors. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Rosemead, for any person, firm, or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3503. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Rosemead the selling, giving, lending, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 hereof; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 3502 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

Sacramento

48.7. Purchase and sale of certain firearms. It shall be unlawful for any person in the city to purchase any small firearm that may be concealed upon the person, without first procuring a written permit from the chief of police to do so.

It shall be unlawful for any person in the city to sell or dispose of any such small firearm to any person not holding such written permit, which permit shall be exhibited to the seller or dealer at the time the sale is made.

San Bernardino

Ordinance No 2106

Section one: No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of 18 years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, * * *

San Bernardino County

22.012 Shotguns and Rifles in Restricted Areas. It shall be unlawful within the County of San Bernardino for any person to have in his possession or under his control a rifle with a shell in the chamber or magazine or a shotgun with a slug in the chamber or magazine within the areas described in subsection (a) to (h), inclusive, of Section 22.011 of this chapter. (*Editor's Note: These areas include San Bernardino Valley, Camp Baldy, Wrightwood, Crestline-Lake Arrowhead-Green Valley, Barton Flats-Camp Angelus-Forest Home, Big Bear, and Desert Areas. See local law for specific land descriptions and exceptions.*)

22.013 Persons Exempt to Provisions of this Chapter. The provisions of this chapter shall not apply to any peace officer in the regular discharge of his duties: nor to any contest conducted by and under the supervision of a bona fide rifle or pistol organization at a public shooting gallery or rifle and pistol range. * * *

22.016 Purchase of Firearms. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years, a revolver or pistol of any description, shotgun, or rifle, which may be used for the explosion of cartridges * * *

22.017 Prohibiting Firearms—Possession by Minors. No person under the age of

eighteen years shall have in his possession, care, custody or control, any of the articles mentioned in Section 22.016 of this chapter except within his own domicile or except when accompanied by and under the immediate supervision of a parent, guardian, or responsible adult. This section shall not apply to any person possessing a valid California hunting license.

San Bruno

16-6. Firearms—Sale to and possession by minors. (b) No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

San Carlos

Section 5113. Sale of Certain Firearms Prohibited to Minors. No person shall sell, deliver or transfer to any person under the age of eighteen (18) years any pistol, revolver or other similar weapons capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of gas.

San Diego County

21.1201. License required. It shall be unlawful for any person to sell at retail pistols, revolvers and other firearms capable of being concealed upon the person, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the Tax Collector of the County of San Diego as provided in this chapter.

21.1207. Delivery of firearms. No concealable weapon shall be delivered: (a) Within fifteen days of the application for the purchase thereof; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. When delivered, such concealable weapon shall be unloaded and securely wrapped.

San Dimas

9.52.010. Sale of firearms to minors prohibited; exception. Except as otherwise provided in this chapter (no person shall sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnish, to any person under the age of eighteen years any gun, revolver, pistol, firearm * * *.

9.52.020. Sale of ammunition to minors prohibited; exception. Except as otherwise provided in this chapter, no person shall sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnish, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

9.52.040. Minors exempted from prohibitions under certain conditions. Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 9.52.010 and 9.52.020; * * *.

San Francisco

San Francisco Police Code

* * * * *

Article 8

Sec. 521. Sale of Firearms and Explosive Cartridges to Minors Prohibited. It shall be unlawful for any person or persons within the limits of the City and County of San Francisco to expose for sale, sell or offer for sale, barter or exchange, or offer to barter or exchange to or with any minor under the age of 17 years any pistol or other firearm or any toy pistol or imitations of any pistol or firearm, or instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or cap, whether loaded or not with ball.

Article 9

Sec. 613. Regulating Sale of Concealable Firearms. Pursuant to the Provisions of Chapter I (Sec. 12070 et seq.) Title 2, Article 4 of the Penal Code, any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any pistol, revolver, or other firearm capable of being concealed upon the person shall file an application with the Police Department on forms provided by the Police Department for a license to engage in such business and shall pay an application fee of thirty ($30.00) dollars, which fee shall not be refundable.

* * * * *

Sec. 613.4. Issuance of License. (a) The Police Department may grant a license to the applicant if it is found:

(1) That the operation as proposed, if permitted, would comply with all applicable laws including but not limited to the Penal Code of the State of California, and the Building, City Planning and Fire Codes of the City and County of San Francisco.

(2) That the applicant or an officer thereof, has not been convicted of a felony so as to disqualify the applicant or officer from owning or possessing a firearm under Section 12021 of the Penal Code.

(b) If the license is granted it shall be in a form prescribed by the Attorney General, effective for not more than one year from the date of issue, as required by Section 12071 of the Penal Code of the State of California.

Sec. 613.5. Revocation of License. For breach of any one of the following conditions, the license shall be subject to revocation:

(a) The business shall be carried on only in the building denoted in the license.

(b) The license or a copy thereof, certified by the Police Department, shall be displayed on the premises where it can easily be seen.

(c) No pistol or revolver shall be delivered:

(1) Within five days of the application for the purchase and when delivered shall be unloaded and securely wrapped; nor

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

* * * * *

Sec. 613.6. Delivery to Tax Collector. Upon granting said license, the Police Department shall forward said license to the Tax Collector who shall issue said license to the applicant upon the payment of one hundred ($100.00) Dollars.

* * * * *

Sec. 617. Exceptions. This section and Sections 613 to 616 inclusive, of this Article, shall not apply to wholesale dealers, in their business intercourse with transportation of unloaded firearms, merchandise by mail, express or other mode of shipment to points outside the City and County of San Francisco.

San Jacinto

14-51. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise: * * *

(f) Any rifle, * * *, gun, pistol, revolver, * * * or other similar instrument or device designed or intended to discharge or which is capable of discharging a bullet, shot, * * * or missile of any kind.

14-54. Same—Minors—Use, possession, discharge and sale. Except as otherwise provided in section 14-55, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished to a minor, or to allow any minor to use, possess or discharge, or for any minor to use, possess or discharge a dangerous weapon. For purposes of this article only, a minor is a person who is under the age of eighteen years.

14-55. Same—Same—Consent of parent or guardian; supervision of use, etc. Nothing in this article shall be deemed or con-

strued to prohibit the selling, giving, loaning or furnishing to any minor upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subsection (f) of section 14-51, nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined, in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of twenty-one years.

14-57. Applicability of state law. The provisions of this article shall not apply to the commission of any act which is made a public offense by any law of this state. This article is adopted to supplement the state law regulating and controlling deadly weapons as stated beginning with section 12,000 of the state Penal Code.

San Jose

4258. Selling Pistol to Minor. No person shall sell, dispose of or give to any minor under the age of eighteen years, any pistol, * * * without the written request of his parent or guardian; and no minor under the age of eighteen years shall have in his possession any such pistol or weapon unless by the written consent of his parent or guardian.

San Marcos

Ordinance 75-338

Section 1: Chapter 17, Article IV—Weapons is hereby amended and Sections 17-50 through 17-54 are hereby added:

17-50. License required. It shall be unlawful for any person to sell at retail pistols, revolvers and other firearms capable of being concealed upon the person, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the City Clerk of the City of San Marcos as provided in this chapter. * * *

17-51. Records—Second Hand Weapons. If a dealer, licensed by this chapter to sell firearms, shall have offered to him for purchase or for acceptance in trade a used or second hand concealable weapon, he shall first obtain from the person offering such weapon the following information:

a) Name, address, and physical description of such person.

b) The description and license number of the vehicle, if any, being driven by such person.

c) The caliber, manufacturer's name, description, serial number or numbers, initials or other identifying marks of the weapon.

d) Such other information which may be required by the Sheriff.

17-52. Delivery Of Firearms. No concealable weapon shall be delivered:

a) Within five days of the application for the purchase thereof; nor

b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

When delivered, such concealable weapon shall be unloaded and securely wrapped.

San Marino

Sec. 14.3 Firearms, ammunition, etc.—selling, etc., to minors.

1. Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearms of any description to any person under the age of eighteen years.

2. Sale, etc., of ammunition to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description, containing any explosive to any person under the age of eighteen years.

San Mateo County

3250.5. Sale of certain firearms prohibited to minors. No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas.

3255.0. Portions of penal code adopted. The provisions of Sections 12070-12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Sand City

Ordinance 74-76

Section 1: No person shall sell, exchange, give or loan to any person under the age of 16 years any * * * gun, revolver, pistol or firearm of any description, * * * or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

Section 2: No person under the age of sixteen years shall have in his possession, care, custody or control any article or thing set forth in the preceding section.

Section 3: No person shall sell, display for sale, or store preparatory for sale any firearm within the city limits of Sand City unless said person has fully complied with all of the following conditions:

A. The Seller shall hold a Federal Firearms Permit, and shall meet all of the provisions of the Gun Control Act of 1968.

B. The Seller shall have obtained a permit from the Chief of Police authorizing the storage of the firearms within the City of Sand City. * * *

C. The City Permit and the Federal Firearms Permit shall be displayed at the location for which it is issued in a prominent place.

Section 5: Private persons selling their own firearms and not engaged in the commercial sale of the same shall be exempted from the purview of this ordinance. For the purpose of this ordinance, a person selling three (3) or more firearms in any calendar year shall be conclusively deemed to be engaged in the commercial sale of firearms and shall be required to comply with the terms of this ordinance.

Section 6: The term "firearms" as used in this ordinance shall include, not by way of limitation, handguns, rifles, shotguns, * * * and other weapons coming under the definition of firearms as defined in the Penal Code of the State of California.

Santa Barbara

9.36.090 Delivery of firearms to minors prohibited. No person engaged in the business of selling or otherwise transferring firearms shall sell, deliver, lease, rent or in any manner transfer, furnish, give or cause to be sold, delivered, leased, rented, transferred, furnished or given any firearm to any person under the age of eighteen years. Members of businessman's immediate family are excepted.

9.36.130 Sale of ammunition to certain persons prohibited—Exception. No person, whether or not such person is engaged in the business of selling ammunition for firearms, shall sell ammunition for any firearm to any person to whom the sale or transfer of any firearm using such ammunition is prohibited under this chapter. Minors with written consent of their parent or legal guardian are excepted.

9.36.160 Dealings without permit prohibited. No person without holding a current permit as provided in this chapter shall engage in the business of selling or otherwise

transferring or advertising for the sale of any firearms.

9.36.210 Duration—Grounds for revocation. * * * * *

(3) No pistol or revolver shall be delivered unless all of the following conditions are complied with: (a) within five days of the application for the purchase, (b) unless the same shall be unloaded and securely wrapped, and (c) unless the purchaser either is personally known to the seller or shall present bona fide documentary evidence of his identity;

* * * * *

9.36.220 Persons to whom permits may not be issued. In no event shall a permit required by this chapter be issued to any of the following persons:

(1) Persons who are prohibited from possessing firearms capable of being concealed upon the person under the provisions of Section 12021 of the State Penal Code;

(2) Anyone convicted of any violation of any provision of the law of the state dealing with the unlawful use of narcotic, hypnotic or dangerous drugs or under similar laws of the United States;

(3) Anyone not of good moral character;

(4) Anyone under the age of twenty-one years.

* * * * *

Santa Barbara County

Sec. 14B-1. Definition. For the purposes of this chapter and Chapter 22 of this Code, the word "Handgun" shall have the following meaning: "Handgun" means pistols, revolvers, and other firearms capable of being concealed upon the person, as defined in Section 12001 of the Penal Code.

Sec. 14B-2. Purpose and Intent. The purpose and intent of this chapter is to designate the Tax Collector of the County of Santa Barbara as the duly constituted licensing authority to grant licenses permitting an applicant to sell handguns in the unincorporated area of this County, pursuant to Title 2, Chapter 1, Article 4 of this California Penal Code.

Santa Clara

Sec. 18-26. Sale of weapons to minors without request of parents, etc., prohibited. It shall be unlawful within the city for any person to sell, dispose of or give to any minor under the age of eighteen (18) years any pistol * * * other weapon capable of receiving and discharging any charge, cartridge or explosive without the written request of his parent or guardian.

Santa Fe Springs

Section 3: Firearms to minors. No person shall give, sell or loan to any person under the age of eighteen years, any gun, firearms, * * * or ammunition.

Section 4: Possession prohibited. No person under the age of eighteen years, shall use or have in his possession any gun, firearm, * * * or ammunition within the City.

Santa Maria

Sec. 17-8. It shall be unlawful for any person to sell to any minor in the city or to allow any such minor, or for any minor to carry, unless in a suitable case or securely wrapped, any firearm or gun, or rifle or other gun or device discharging by the use of powder, air or springs, any bullet or shot of any kind, * * * except when accompanied by parent or legal guardian; provided, that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the council.

Santa Monica

Section 3505. Retailer's Permit for the Sale of Certain Firearms. No person shall sell at retail within the City any pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the Chief of Police authorizing such person to make such sale.

Section 3509. Firearms, * * *, and other devices. Sale to Minors. No person shall sell, exchange, give, or loan to any person under 18 years of age any * * * gun, revolver, pistol, or firearm of any description * * * or any ammunition, cartridge, shell, or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

Section 3510. Same. Possession by Minors. No person under 18 years of age shall have in his possession, care, custody, or control any article or thing mentioned in the preceding section.

Section 3511. Same. Exceptions. It is the intent of the preceding sections to absolutely prohibit the sale or exchange to, and the possession by a person under the age of 18 years of, any of the articles or things mentioned therein. Provided, nothing in these sections shall be construed to prohibit any person under the age of 18 years from having in his possession or using any article or device described in Section 3509 when it is with the consent of a parent or guardian. * * *

Seaside

5-101 Conditions for Sale of Firearms. No firearms, including hand guns, rifles, shotguns, * * * shall be offered for sale in the City of Seaside by any person or establishment holding a City business certificate and/or located in any commercially zoned property unless and until each and every of the following conditions shall have been fulfilled:

A. The seller shall keep all firearms in a secure facility satisfactory to the Chief of Police.

B. The building housing said firearms held for sale shall be adequately secured against burglary to the satisfaction of the Chief of Police.

C. The seller shall hold a written permit, renewable annually, from the Chief of Police evidencing compliance with each of the within conditions.

Selma

* * * * *

6-4-3: Firearms; Sale to Minors: It shall be unlawful for any person to sell or give to any minor under the age of eighteen (18) years, any revolver or pistol of any kind from or by means of which any bullet, shot or other missile of any kind may be fired or projected by means of percussion caps, cartridges or any explosive substances whatever.

* * * * *

South Lake Tahoe

Sec. 18-16. Use, possession, discharge, sale of dangerous weapons by minors. Except as otherwise provided in section 18-17, it shall be unlawful for any person to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon. For the purposes of this article only, a minor is a person who is under the age of eighteen years.

Sec. 18-17. Same—Exceptions. Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of section 18-13; nor to prohibit such minor from using or having in his possession, care,

custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of twenty-one years.

Stanislaus County

(The Stanislaus County Sheriff is designated as the department responsible for issuing licenses to dealers selling concealable firearms in the unincorporated area of Stanislaus County.)

Per Sec. 12071 of the California Penal Code:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

3. No pistol or revolver shall be delivered (a) Within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

Stockton

Sec. 4-040. "Dangerous or deadly weapon", defined. "Dangerous or deadly weapon" includes, but is not limited to: * * * any firearm other than

(1) carried pursuant to a valid permit, issued by a duly authorized governmental authority, or

(2) any ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful sport.

Sec. 4-041. Possession of "dangerous or deadly weapons": it shall be unlawful (to possess weapons as defined in Sec. 4-040. above).

Sec. 4-044. Sale of firearms and/or ammunition to minors: It shall be unlawful, in the City of Stockton, to sell firearms and/or ammunition of any kind to minors under the age of fourteen (14) years, unless accompanied by parent or guardian.

Sec. 4-045. Sale of concealed firearms: It shall be unlawful to sell pistols, revolvers, or other firearms capable of being concealed upon the person, at retail, within the City of Stockton, without a license issued in the manner herein provided for.

Sec. 4-046. License to sell: The City Manager is hereby authorized to issue licenses to sell, at retail, within the City of Stockton, pistols, revolvers, and other firearms capable of being concealed upon the person.* * * * *

Temple City

3500. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Temple City for any person, firm or corporation, to sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

3501. Except as otherwise provided in Section 3503 herein it shall be unlawful in the City of Temple City, for any person, firm or corporation, to sell, give, lend, or in any way furnish or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3502. Except as otherwise provided in Section 3503 hereof it shall be unlawful in said City of Temple City, for any person under the age of eighteen (18) years to * * * have in his or her possession, care, custody or control, any gun, revolver, pistol, firearm, * * * or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any exploding substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm.

3503. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Temple City the selling, giving, lending or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 hereof; * * *.

Thousand Oaks

Sec. 3-17.06. Prohibited sales, trades, exchanges, or bartering. No person, firm, or corporation at any swap meet, whether the operator, or an exhibitor, or any other person or entity, shall sell, exchange, or display, or offer for sale or exchange or barter, at any swap meet any of the following items of personal property: * * *

(b) Any handgun, rifle, shotgun, or other type of firearm by whatever name, or any deadly weapon; * * *

Torrance

* * * * *

Section 45.3.6. Firearms, * * * etc. in possession of minors. (0-216) It shall be unlawful for any person under the age of eighteen (18) years of age to have in his possession, custody or control, within the corporate limits of the City, any gun, revolver, pistol, spring or air gun, or firearm of any description or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description or any ammunition of any description containing any explosive.

* * * * *

Turlock

Resolution 75-156

Be it resolved that the Police Department of the City of Turlock be, and hereby is designated as the department responsible for issuing licenses to dealers selling concealable firearms in the City of Turlock.

License Conditions

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily seen.

3. No pistol or revolver shall be delivered (a) within fifteen (15) days of the application for the purchase, and when delivered, shall be unloaded and securely wrapped; nor (b) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can be readily seen from the outside.

(Contact local authorities for applicant requirements)

Union City

Ordinance 23-59

Section 1. Dangerous weapon. definition. Dangerous weapon shall mean and include: * * * * *f. Any rifle, gun, pistol, revolver, * * * or other similar instrument or device designed or intended to discharge or capable of

discharging a bullet, shot, or other missile of any kind.

Section 2. Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided herein it shall be unlawful for any person in the City of Union City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

Section 3. Same: exceptions. Nothing in this Ordinance shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian or such minor, any dangerous weapon as defined in subdivision of Section 1; nor prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some adult person; nor to prohibit any minor from using or having in his possession or control any dangerous weapon which is in good faith in his possession or control or use for his lawful occupation or employment or for the purpose of lawful recreation.

Upland

576-1: Definitions: Firearms: The words "Firearm" or "Firearms" as used in this Ordinance, includes, but is not limited to: any gun, revolver, pistol, firearm, * * * or device, designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition or device containing any explosive substance, spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol or firearm.

576-3: That no person under eighteen (18) years of age shall have in his possession, care, custody or control, * * * any firearm or firearms.

576-4: It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen (18) years of age, any firearm or firearms as defined in Section 1 of this ordinance.

Vista

66-19 * * * * * **Section 3. Selling weapons to children.** No person shall sell to any minor child (age 18 and under), any * * * pistol, revolver, gun, rifle, or any other firearm or device fired or discharged by explosives within the corporate limits of this City.

* * * * *

Walnut

Sec. 17-20. Firearms, etc.—Persons under eighteen years of age—Furnishing to. Except as otherwise provided in section 17-22, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *

Except as otherwise provided in section 17-22, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol or firearm.

Sec. 17-22. Same—Same—Exceptions. Nothing in this Code shall be deemed or construed to prohibit in the city the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in section 17-20; nor to prohibit any such person under the age of eighteen years from having in his possession, care, custody or control any article mentioned in section 17-21 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

Sec. 17-23. Same—License to sell. No person shall engage in the business of selling or otherwise transferring, or advertising for sale, or offering or exposing for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person without first having received a license from the county sheriff.

Walnut Creek

3-6.04. Sale of weapons to minors. It shall be unlawful for any person to sell to any minor under eighteen (18) years of age any * * * ammunition for any firearm, gun, rifle or other gun or device discharging by the use of powder, air or springs, except when accompanied by an authorized person over eighteen (18) years of age.

West Covina

4402. Providing minors with firearms unlawful. No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other devise containing any explosive device designed and intended for use in any of the weapons enumerated herein.

4403. Possession of firearms by minors prohibited. No person under eighteen years of age shall have in his possession, care, custody or control any article or thing mentioned in Section 4402 hereof.

Westminster

3700.8. Sale, etc. of * * * ammunition to person under eighteen years of age. No person as principal, agent or otherwise shall sell, exchange, give or lend any * * * cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol or firearm or any description, to any person under the age of eighteen (18) years of age without the consent of the parent or guardian of said minor under the age of eighteen (18) years.

* * * * *

3700.10. Possession by minor under eighteen of firearms * * * or ammunition. No person, as principal, agent or otherwise, under the age of eighteen (18) years, shall have in his or her possession, care, custody or control any gun, revolver, pistol, * * * or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever without the express consent of the parent or guardian of said minor under the age of eighteen (18) years.

Whittier

4260.12—Minors—Firearms, etc., Selling, etc., to Prohibited No person shall sell, give, loan or in any manner furnish or cause or permit to be sold, given, loaned, or furnished to any person under the age of eighteen years any gun, revolver, pistol, firearm * * *. The provisions of this Section shall not

apply to the loan or use of firearms to such persons for use on a permitted range or shooting gallery in connection with any firearms training program sponsored by the City or any of its departments.

4260.12(a)—Same—Ammunition, Explosives, etc., Selling to Prohibited No person shall sell, give, loan or in any manner furnish or cause to be furnished to any person under the age of eighteen years any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

4260.12(b)—Same—Possession of—Prohibited No person under the age of eighteen years shall have in his possession, care or control any gun, revolver, pistol, firearm * * * or similar device, except as provided in this Part.

Yreka

1. Applications for licenses permitting the licensee to sell at retail within the City of Yreka, pistols, revolvers, and other firearms capable of being concealed upon the person, shall be filed with the City Clerk of the City of Yreka. * * * * *

c. No pistol or revolver shall be delivered (I) within five (5) days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (II) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. * * * * *.

Colorado

State Law

Colo. Rev. Stat.

12-26-101. Firearms defined. As used in this article, unless the context otherwise requires:

(1)(a) "Firearms" means a pistol, revolver, or other weapon of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.

(b) "Firearms" does not include firearms, as defined in paragraph (a) of this subsection (1), for which ammunition is not sold or which there is reasonable ground for believing are not capable of being effectually used.

12-26-102. Retail dealers—record—inspection. Every individual, firm, or corporation engaged, within this state, in the retail sale, rental, or exchange of firearms, pistols, or revolvers shall keep a record of each pistol or revolver sold, rented, or exchanged at retail. The record shall be made at the time of the transaction in the book kept for that purpose and shall include the name of the person to whom the pistol or revolver is sold or rented or with whom exchanged; his age, occupation, residence, and, if residing in a city, the street and number therein where he resides; the make, caliber, and finish of said pistol or revolver, together with its number and serial letter, if any; the date of the sale, rental, or exchange of said pistol or revolver; and the name of the employee or other person making such sale, rental, or exchange. The record book shall be open at all times to the inspection of any duly authorized police officer.

12-27-101. Legislative declaration—nonresident. (1) It is declared by the general assembly that it is lawful for a licensed importer, licensed manufacturer, licensed dealer, or a licensed collector (licensed under the federal "Gun Control Act of 1968") whose place of business is in this state to sell or deliver a rifle or shotgun to a resident of a state contiguous to this state, subject to the following restrictions and requirements:

(a) The purchaser's state of residence must permit such sale or delivery by law.

(b) The state must fully comply with the legal conditions of sale in both such contiguous states.

(c) The purchaser and the licensee must have complied, prior to the sale or delivery for sale of the rifle or shotgun, with all of the requirements of section 922(c) of the federal "Gun Control Act of 1968" applicable to interstate transactions other than those at the licensee's business premises.

12-27-102. Legislative declaration—residents. (1) It is declared by the general assembly that it is lawful for a resident of this state, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such contiguous states:

(b) The purchaser and the licensee must have complied, prior to the sale or delivery for sale of the rifle or shotgun, with all of the requirements of section 922(c) of the federal "Gun Control Act of 1968", applicable to interstate transactions other than at the licensee's business premises.

12-27-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "A state contiguous to this state" means any state having a common border with this state.

(2) All other terms shall be construed as such terms are defined in the federal "Gun Control Act of 1968".

12-27-104. Article does not apply—when. (1) The provisions of this article do not apply to:

(a) Transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors;

(b) The loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(c) A person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a state other than his state of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other state, and who purchases a rifle or shotgun in such other state from a licensed dealer if such person presents to such dealer a sworn statement:

(I) That his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in such other state; and

(II) Identifying the chief law enforcement officer of the locality in which such person resides, to whom such licensed dealer shall forward such statement by registered mail.

18-12-101. Definitions. (1) As used in this article, unless the context otherwise requires:

* * * * *

(b) "Bomb" means any explosive or incendiary device or molotov cocktail as defined in section 9-7-103, C.R.S. 1973, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(c) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(d) "Gas Gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device.

* * * * *

(g) "Machine gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(h) "Short rifle" means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches.

(i) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen

inches long or an overall length of less than twenty-six inches.

* * * * *

(2) It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.

18-12-102. Possessing an illegal weapon. (1) As used in this section, the term "illegal weapon" means a * * * bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle * * * (2) A person, other than a peace officer or member of the armed forces of the United States or Colorado national guard acting in the lawful discharge of his duties or a person who has a valid permit and license pursuant to the federal code for such weapon, commits a class 1 misdemeanor if he knowingly possesses an illegal weapon. The exceptions in this subsection (2) shall be an affirmative defense.

18-12-103. Possession of a defaced firearm. A person commits a class 3 misdemeanor if he knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed.

18-12-108. Possession of weapons by previous offenders. Any person previously convicted of burglary, arson, or a felony involving the use of force or violence or the use of a deadly weapon, or attempt or conspiracy to commit such offenses, under the laws of the United States of America, the state of Colorado, or another state, within the ten years next preceding or within ten years of his release from incarceration, whichever is greater, who shall possess, use, or carry upon his person a firearm or other weapon mentioned in section 18-1-901(3)(h) or sections 18-12-101 to 18-12-106 commits a class 5 felony. A second or subsequent offense under this section is a class 4 felony.

Akron

10-5-18 Selling Weapons to Intoxicated Persons (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Aurora

10-3-2. Sale of weapons: It shall be unlawful for any person to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor. * * *

Bennett

Section 5 Weapons

7-5-1 Definitions. The following definitions apply to this section:

* * *

Bomb means any explosive or incendiary device or Molotov cocktail as defined in section 53-7-3, C.R.S. 1963, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

Firearm silencer means an instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silenced, or intended to lessen or muffle the noise of the firing of any such weapon.

Gas gun means a device designed for projecting gas filled projectiles which release their contents after having been projected from the device, and includes projectiles designed for use in such a device.

* * *

Machine gun means any firearm, whatever its size and usual designation that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

Short rifle means a rifle having a barrel less than sixteen (16) inches long, or an overall length of less than twenty-six (26) inches.

Short shotgun means a shotgun having a barrel or barrels less than eighteen (18) inches long or an overall length of less than twenty-six (26) inches.

* * *

7-5-2 Article not to affect duties of a peace officer The provisions of this article shall not be held to prohibit any act by a peace officer in the lawful discharge of his duties.

7-5-3 Possessing an illegal weapon As used in this section the term "illegal weapon" means a * * * bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle * * *. It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or state national guard to knowingly possess an illegal weapon.

7-5-4 Possession of a defaced firearm It shall be unlawful for any person to knowingly and unlawfully possess a firearm the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed.

Boulder

36-11 Sales, etc., to drunkards, drug addicts and minors. It is unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Brighton

Ordinance 741

Section 7-445. Unlawful to sell weapons to intoxicated persons. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon designated in Sections 7-441 or 7-444 to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Section 7-446. Incendiary or explosive device.

A. It shall be unlawful to throw, place or cause to be placed any incendiary or explosive device for the purpose of causing injury to any person or damage to property.

B. It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or an explosive device, to possess, handle, store, transport or sell any such device, knowing the same is to be thrown, placed or caused to be placed for the purpose of causing injury to any person or damage to property.

C. An incendiary or explosive device includes, but not by way of limitaton, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting, or burning.

D. Except as otherwise permitted by law, it shall be unlawful for any person to possess on his person, in any motor vehicle or in any structure, an incendiary or an explosive device as defined in this Section.

Broomfield

Ordinance 15

* * * * *

Section 64. Unlawful to Sell Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the City of Broomfield to such person, firm or corporation.

* * * * *

Central City

* * * * *

191-9-4 Sale to Certain Persons Unlawful. It is unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

* * * * *

Colorado Springs

8-14. Dangerous or Deadly Weapons—A. Definition: For purposes of this section, dangerous or deadly weapons shall mean: 1. Any firearm whether loaded or unloaded including any pistol, revolver, rifle, shotgun. *****.

G. Selling Weapons to Intoxicated Persons or Minors It shall be unlawful for any person to purchase, sell, loan, or furnish any dangerous or deadly weapon to any person intoxicated or under the influence of alcohol or any narcotic or dangerous drug or glue, or to any person in a condition of agitation and excitement, or to any minor under the age of eighteen (18) years.

* * * * *

Commerce City

14-112. Furnishing to certain persons prohibited. It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Cortez

Sec. 28-6. Sale, rental, etc., of firearms to certain persons prohibited. A. It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.

***

Creede

10-5-18. Selling weapons to intoxicated persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm to which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Creede, Colorado to such person, firm or corporation.

Dacono

Dacono Ordinance 169 adopts by reference the Colorado Criminal Code, Title 18, Articles 3 through 13, Colorado Revised Statutes, 1973, as amended; repeals all ordinances in conflict therewith; and provides penalties for violation thereof.

Denver, City and County of

6-2(3). Antique Firearm. Any firearm, including any handgun, with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898; and any replica of any such firearm if such replica (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

6-3. It shall be unlawful for any second-hand dealer or pawnbroker or any other person engaged in the business of the wholesale or retail sale, rental, or exchange of handguns, to sell, rent, exchange or deliver any handgun (except an antique firearm) knowing or having reasonable cause to believe the basic structural components thereof are made (1) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or (2) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or (3) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

.7. Identification and records concerning sales, etc. .7-1. Every person who sells, rents, or exchanges at retail any weapon designated in Sections 845.1 or 845.6 of this Code shall require the vendee, lessee, or person with whom such exchange is made to furnish more than one type of identification before such sale, rental, or exchange is consummated.

.7-3. It shall be unlawful for any person who purchases, rents, or exchanges any weapon designated in Section 845.1 or 845.6 of this Code to give a false or fictitious name, or any other false, fraudulent, or incorrect information to the person from whom such weapon is purchased, or rented, or with whom such weapon is exchanged at the time such purchase, rental, or exchange is made.

.8. Unlawful to sell weapons to intoxicated persons or minors. .8-1. It shall be unlawful for any person to sell, loan, or furnish any instrument or weapon designated in Sections 845.1 or 845.6 of this Code to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

.10. Incendiary or explosive device. .10-1. For the purposes of this Section 845.10, an incendiary or explosive device shall include, but not by way of limitation, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting, or burning.

.10-3. It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or explosive device; to possess, handle, store, transport, or sell any such device, knowing the same is to be thrown, placed, or caused to be placed for the purpose of causing injury to any person, or damage to property.

Dolores

Ordinance 271

Chapter 11, Article 3: Furnishing to intoxicated persons. Section 60. No person shall, directly or indirectly, sell, barter, loan or deliver any deadly weapon to any drunk or intoxicated person.

Edgewater

9.92.020 Identification required Every person who sells, rents, or exchanges at retail any weapon described in Sections 9.88.010, 9.88.020 or 9.92.010 shall require the vendee, lessee, or person from whom such exchange is made, to furnish more than one type of iden-

tification before such sale, rental or exchange is consummated.

9.92.050 Sale to certain persons prohibited. It is unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon * * * to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Englewood

11-3-4: Certain sales prohibited It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation or excitability, or to any minor under the age of 18 years.

Evans

* * * * *

Sec. 9.60.43 Definitions. * * * * *

(b) "Bomb" means any explosive or incendiary device or Molotov cocktail which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(c) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(d) "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device.

* * * * *

(g) "Machine Gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(h) "Short rifle" means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches.

(i) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

* * * * *

(2) It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.

Sec. 9.60.44 Possessing an illegal weapon. (1) As used in this section, the term, "illegal weapon" means a * * * bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle * * *.

(2) A person other than a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties or a person who has a valid permit and license pursuant to the federal code for such weapon, commits a violation if he normally possesses an illegal weapon. The exceptions in this subsection (2) shall be an affirmative defense.

Sec. 9.60.45 Possession of a defaced firearm. A person commits a violation of this section if he knowingly possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered or destroyed.

* * * * *

Glendale

Sec. 10-137. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a * * * firearm silencer, gas gun, machine gun, short shotgun, short rifle * * *.

(b) It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or state national guard to knowingly possess an illegal weapon.

Sec. 10-141. Prohibited use of weapons. It shall be unlawful for any person to: * * * (4) Have in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under Section 40-12-105(2)(c) of C.R.S. 1963, is no defense to a violation of this subsection.

* * * * *

Grand Junction

19-60. Furnishing to intoxicated persons. No person shall, directly or indirectly, sell, barter, loan or deliver any deadly or dangerous weapon to any drunk or intoxicated person.

Greely

Sec. 15-47. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a * * * firearm silencer, gas gun, machine gun, short shotgun, short rifle * * *.

(b) A person other than a peace officer or member of the armed forces of the United States or Colorado National Guard commits the violation of this section if he knowingly possesses an illegal weapon.

(c) Any person convicted of violating this section shall forfeit to the city the illegal weapon involved.

Sec. 15-48. Possession of a defaced firearm. A person commits a violation of this section if he knowingly possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered or destroyed.

Greenwood Village

Section 2. Chapter 8

2.17 Unlawful Acts. In addition to the other acts prohibited by this ordinance, it shall be unlawful:

(1) For any person other than a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties or a person who has a valid permit and license pursuant to the federal code for such weapon to knowingly possess an illegal weapon. As used herein, the term "illegal weapon" means a * * *, bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle, * * *, unless the context otherwise requires:

(2) "Bomb" means any explosive or incendiary device or Molotov cocktail which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(3) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(4) "Gas gun" means a device designed for projecting gas filled projectiles which release the contents after having been projected from the device and includes projectiles for use in such a device.

* * * * *

(7) "Machine gun" means any firearm, whatever size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(8) "Short rifle" means a rifle having a barrel less than sixteen inches long or overall length of less than twenty-six inches.

(9) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

Johnstown

Sec. 16-131. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a * * * firearm silencer, gas gun, machine gun, short shotgun, short rifle, * * *.

(b) It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or state national guard to knowingly possess an illegal weapon.

Sec. 16-132. Possession of a defaced firearm. It shall be unlawful for any person to knowingly and unlawfully possess a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed.

Sec. 16-135. Prohibited use of weapons. It shall be unlawful for any person to: * * * (4) Have in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under Section 40-12-105(2)(c) of C.R.S. 1963, is no defense to a violation of this subsection.

Kersey

Ordinance 128

VI. Possessing an illegal weapon. 1. As used in this section the term "illegal weapon" means a * * * firearm silencer, gas gun, short shotgun, short rifle, * * *. 2. No person shall knowingly possess an illegal weapon within the town of Kersey.

Las Animas

Sec. 23-6. Sale, rental, etc., of firearms to certain persons prohibited. It shall be unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability. * * *

La Veta

Ordinance No 81

* * * * *

16. a. It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or any other firearm, in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug or stimulant or depressant, or to any person the seller knows to be under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any minor under the age of eighteen (18) years.

Limon

2. Unlawful to Sell Weapons to Intoxicated Persons. 2.-1. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any gun, pistol, or other firearm in which an explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant or to any person in a condition of agitation and excitability, or to any minor.

Littleton

6-7-3(C) Sales of firearms to certain persons prohibited. It shall be unlawful for any person to purchase for or to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Milliken

Ordinance 118

Art. 1. Sec. 9.60.33. Using weapon in a prohibited manner. (1) A person commits a violation of this section if: * * * * * (d) He has in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug.

Nederland

Ordinance 74

* * * * *

Section 2. That no person, firm, company, corporation or association shall exhibit, or have in its possession with intent to give away, or sell, or offer for sale within the Town of Nederland, any * * * gun, revolver, pistol, cap, or cartridge, or other combustible fireworks of any kind in the Town of Nederland.

* * * * *

Oak Creek

Ordinance 299

* * * * *

A-5-18 Selling Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

* * * * *

Pueblo

9-7-11: Firearms—Dealing in, License Required; Fee, Terms (a) **Firearms** shall mean a pistol or revolver or other weapon of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, and the length of the barrel of which, not including any revolving detachable or magazine breech, does not exceed twelve inches.

(b) It shall be unlawful for any person to engage in the business of the retail sale, rental, or exchange of firearms, within the City, without obtaining a license therefor from the License Officer.

* * * * *

9-7-12: Same—Record Required; Contents; Hearing on Revocation; Notice (a) Every person engaged within the City in the retail sale, rental or exchange of firearms shall keep a record of such firearm sold, rented or exchanged. Such record shall be made at the time of the transaction in a book kept for that purpose [contact local authorities for required contents] * * *. Such record shall be exhibited at all times by such persons for the inspection of any law enforcement officer upon demand. Failure to keep such record or to exhibit the same as aforesaid shall constitute a breach of this Code and shall be cause for the revocation of the license herein required, by the License Officer upon hearing after notice to the holder of such license.

* * * * *

11-1-35: Firearms; Sale; etc. to Minors; Consent It shall be unlawful for any person to sell, give or loan to any minor under the age of eighteen years of age any type of firearms or ammunition whatsoever without first contacting the parent or parents or the legal guardian of such minor and obtaining from such parent or parents or the legal guardian written consent to such gift, sale, or loan; provided, however, where a minor has been emancipated by law or marriage it shall be sufficient, upon proper showing made, for the Chief of Police to authorize such sale, gift or loan.

* * * * *

Ridgway

Chapter X, Section 5

10-5-18 Selling Weapons to Intoxicated Persons (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other fire-

arm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

San Luis

Selling Weapons to Intoxicated Persons: (a) It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Sheridan

16-65. Furnishing to Certain Persons Prohibited. It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, rifle, shotgun or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor person under the age of eighteen (18) years.

16-70. Carrying while intoxicated. No person shall have or carry any deadly or dangerous weapon on or about his person when drunk or in a state of intoxication or under the influence of drugs.

Silverthorne

10-5-18 Selling Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Silverthorne to such person, firm or corporation.

Thornton

Thornton Code

Sec. 33-30. Unlawful sale of weapons to intoxicated persons. It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years. Further, such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by Thornton to such person, firm or corporation.

Walsenburg

Ordinance 658

Section III: 15. Selling Weapons to Intoxicated Persons: (a) It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person the seller knows to be under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any minor under the age of eighteen years. (b) Further, such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by the City of Walsenburg to such person, firm or corporation.

Wiley

General Offenses

10-5-18 Selling weapons to intoxicated persons

(a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Wiley to such person, firm or corporation.

Woodland Park

VIII. Weapons

9.70.070 Selling weapons to intoxicated persons or minors. It is unlawful for any person to purchase, sell, loan or furnish any dangerous or deadly weapon to any person intoxicated or under the influence of alcohol or any narcotic or dangerous drug or glue, or to any person in a condition of agitation and excitement, or to any minor under the age of eighteen years.

Connecticut

State Law

Conn. General Stats. Ann.

Sec. 29-27. "Pistol" and "revolver" defined. The term "pistol" and the term "revolver," as used in sections 29-28 to 29-38, inclusive, mean any firearm having a barrel less than twelve inches in length.

Sec. 29-28. Permit for selling or carrying pistols or revolvers. No person shall advertise, sell, deliver, or offer or expose for sale or delivery, or have in his possession with intent to sell or deliver, any pistol or revolver at retail without having a permit therefor issued as hereinafter provided. The chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, may, upon the application of any person, issue a permit in such form as may be prescribed by the commissioner of state police for the sale at retail of pistols and revolvers within the jurisdiction of the authority issuing such permit.

* * * * *

Sec. 29-31. Display of permit to sell. * * * No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers are sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered is personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made provides evidence of his identity.

* * * * *

Sec. 29-33. No sale to aliens. Application to purchase. Waiting period. No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien. No person, firm or corporation shall deliver any pistol or revolver at retail except upon written application on a form prescribed

and furnished by the commissioner of state police, in triplicate, one copy of which shall be mailed by first class mail on the day of receipt of such application to the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be, and to the commissioner of state police, and no sale or delivery of any pistol or revolver shall be made until the expiration of two weeks from the date of the mailing of such copies. Any such municipal authority or said commissioner, having knowledge of the conviction of such applicant of a felony, shall forthwith notify the person, firm or corporation to whom such application was made and no pistol or revolver shall be by him or it sold or delivered to such applicant. When any pistol or revolver is delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no pistol or revolver when delivered on any sale or purchase shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell. Upon the delivery of any pistol or revolver, the purchaser shall sign in quadruplicate a receipt for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. Two of such quadruplicate receipts shall, within twenty-four hours thereafter, be mailed by first class mail by the vendor of such pistol or revolver to the commissioner of state police and one to the authority issuing the permit for the sale of such pistol or revolver and the other, together with the original application, shall be retained by such vendor for at least six years. The waiting period herein specified during which delivery may not be made shall not apply to the holder of a valid state permit to carry pistols and revolvers, nor to any federal marshal, sheriff, parole officer or peace officer. The provisions of this section shall not apply to antique pistols or revolvers. An antique pistol or revolver, for the purposes of this section, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

Sec. 29-34. False information. Sale to minors prohibited. No person shall make any false statement or give any false information connected with any purchase, sale or delivery of any pistol or revolver, and no person shall sell, barter, hire, lend, give or deliver to any minor under the age of eighteen years any pistol or revolver.

Sec. 29-36. Altering or removing identification mark. No person shall alter, remove or obliterate the name of any maker or model or any maker's number or other mark of identification on any pistol or revolver. The possession of any pistol or revolver upon which any identifying mark, number or name has been altered, removed or obliterated shall be prima facie evidence that the person owning or in possession of such pistol or revolver has altered, removed or obliterated the same.

Sec. 29-38a. Out-of-state purchase or acquisition of rifles or shotguns. (a) For the purposes of the federal gun control act of 1968, Public Law 90-618, 18 U.S.C. 921 et seq., and any law amendatory thereof, any person resident in this state, including a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise receive delivery of a rifle or shotgun in the states of New York or Rhode Island or in the Commonwealth of Massachusetts, unless such purchase or receipt of delivery violates any applicable law of this state, any applicable law of the state in which such purchase or receipt of delivery takes place, or any applicable provision of said control act of 1968, as amended.

(b) Nothing in subsection (a) of this section shall be deemed to deprive any such resident of this state of any rights granted to such resident under title 18 U.S.C. section 922(a)(5), section 922(b)(3)(B) or section 922(b)(3)(C).

Sec. 53-202. Machine guns. (1) "Machine gun," as used in this section, shall apply to and include a weapon of any description, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device. "Crime of violence," as used in this section, shall apply to and include any of the following-named crimes or an attempt to commit any of the same: Murder, manslaughter, kidnapping, sexual assault and sexual assault with a firearm, assault in the first or second degree, robbery, burglary, and larceny. (2) Any person who possesses or uses a machine gun in the perpetration or attempted perpetration of a crime of violence shall be imprisoned not more than twenty years. (3) Any person who possesses or uses a machine gun for an offensive or aggressive purpose shall be imprisoned not more than ten years. (4) The possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose: (a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun was found; or (b) when in the possession of, or use by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any state or federal court of record of the United States of America, its territories or insular possessions; or (c) when the machine gun is of the kind described in subsection (7) hereof and has not been registered as therein required; or (d) when empty or loaded pistol shells of thirty (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof. (5) The presence of a machine gun in any room, boat or vehicle shall be presumptive evidence of the possession or use of the machine gun by each person occupying such room, boat or vehicle. (6) Each manufacturer shall keep a register of all machine guns manufactured or handled by him. Such register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of each machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered. Upon demand, any manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, and parts and supplies therefor, and shall produce the register, herein required, for inspection. Any person who violates any provision of this subsection shall be fined not more than two thousand dollars. (7) Each machine gun in this state adapted to use pistol cartridges of thirty (.30 in. or 7.63mm.) or larger caliber shall be registered in the office of the commissioner of state police within twenty-four hours after its acquisition and, thereafter, annually, on July first. Blanks for registration shall be prepared by said commissioner and furnished upon application. To comply with this subsection, the application as filed shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person who fails to register any gun as required hereby shall be presumed to possess the same for an offensive or aggressive purpose. The provisions of this subsection shall not apply to any machine gun which has been registered under the provisions of subsection (6) and which is still in the actual possession of the manufacturer. (8) No provision of this section shall apply to the manufacture of machine guns for sale or transfer to the United States government, to any state, territory or possession of the United States or to any political subdivision thereof or to the District of Columbia.

Sec. 53a-211. Possession of sawed-off shotgun or silencer: Class D felony (a) A person is guilty of possession of a sawed-off shotgun or a silencer when he owns, controls or possesses any sawed-off shotgun of any caliber that has a barrel of less than eighteen inches or an overall length of less than twenty-six inches or when he owns, controls

or possesses any silencer designed to muffle the noise of a firearm during discharge.

(b) The provisions of this section shall not apply to persons, firms, corporations or museums licensed or otherwise permitted by federal or state law to possess, control or own sawed-off shotguns or silencers.

(c) Possession of a sawed-off shotgun or a silencer is a class D felony.

East Haven

D. No person, persons, firm, or corporation shall sell or expose for sale any blank pistol or any other pistol in the Town of East Haven.

New Haven

18-12. Firearms and ammunition; sales to children. No person shall sell to any child under the age of sixteen (16) years, without the written consent of the parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol, or other mechanical contrivance arranged for the explosion of such cartridge, or of any fulminate.

Seymour

13-7. (Guns and Firearms)—Sale to children prohibited. It shall be unlawful and is hereby prohibited for any person or persons, firm, corporation or association to sell or offer for sale to any person under the age of sixteen (16) years * * * any gun or rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder, or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour.

13-8. Same—Ownership. possession * * * by children prohibited; * * *. It shall be unlawful and is hereby prohibited for any person or persons, under the age of sixteen (16) years to own, possess, * * * any gun, rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour. * * *

Windsor

Section 2. Regulation of Dangerous Weapons Where Minors Under Age 18 Are Involved. No person shall within the Town of Windsor sell, give, lend or otherwise transfer or make available to any person under the age of eighteen (18) years any firearm, airgun or other dangerous weapon * * * except where the relationship of parent and child, guardian and ward, or adult firearm instructor and pupil exists between such person and the person under eighteen (18) years of age.

Delaware

State Law

Del. Code Ann.

11 Sec. 222. General definitions. * * * * *

(4) "Dangerous instrument" means any instrument, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.

(5) "Deadly weapon" includes any weapon from which a shot may be discharged * * * * *

11 Sec. 1444. Possessing a destructive weapon; class D felony. A person is guilty of possessing a destructive weapon when he sells, transfers, buys, receives or has possession of a bomb, bombshell, firearm silencer, sawed-off shotgun, machine gun or any other firearm or weapon which is adaptable for use as a machine gun.

Possessing a destructive weapon is a class D felony. This section does not apply to members of the military forces or to members of a police force in this State duly authorized to carry a weapon of the type described; nor shall the provisions contained herein apply to persons possessing machine guns for scientific or experimental research and development purposes, which machine guns have been duly registered under the provisions of the National Firearms Act of 1968.

The term "shotgun" as used in this section means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shot gun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger. The term "sawed-off shotgun" as used in this section means a shotgun having 1 or more barrels less than 18 inches in length or any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

11 Sec. 1445. Unlawfully dealing with a dangerous weapon; class B misdemeanor. A person is guilty of unlawfully dealing with a dangerous weapon when:

* * * * *

(2) He sells, gives or otherwise transfers to a child under 16 years of age a firearm * * * or

(3) Being a parent, he permits his child under 16 years of age to have possession of a firearm * * * unless under the direct supervision of an adult. Unlawfully dealing with a dangerous weapon is a class B misdemeanor.

Sec. 1448. Purchase and possession of deadly weapons by certain persons prohibited; class E felony. Any person, having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, whether or not armed with, or having in his possession any weapon during the commission of such felony or crime of violence, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanatorium (unless he possesses a certificate of a medical doctor or psychiatrist licensed in this State that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm), or any person who has been convicted for the unlawful use, possession or sale of a narcotic, dangerous drug or central nervous system depressant or stimulant drug as those terms were defined prior to the effective date of the Uniform Controlled Substance Act in January 1973, or of a narcotic drug or controlled substance as defined in Chapter 47 of Title 16, who purchases, owns, possesses or controls any deadly weapon is guilty of a class E felony.

24 Sec. 901. Necessity for license; exceptions. No person shall sell or expose to sale any pistol or revolver, or revolver of pistol cartridges, * * * without first having obtained a license therefor, which license shall be known as "special license to sell deadly weapons."

This section shall not apply to toy pistols, * * *

24 Sec. 902. Application and fee for license; duration. Whoever desires to engage in the business of selling any of the articles referred to in the first paragraph of Sec. 901 of this title shall apply to the State Tax Department and obtain a license to conduct such business, for which he shall pay the sum of $50. The license shall entitle the holder thereof to conduct such business until the 1st day of June next succeeding its date.

24 Sec. 903. Sale to minors or intoxicated persons. No person shall sell to a minor or any intoxicated person any of the articles referred to in the first paragraph of Sec. 901 of this title.

24 Sec. 904. Record book; data to be recorded. Any person desiring to engage in the business described in this chapter shall

keep and maintain in his place of business at all times a book which shall be furnished him by the State Tax Department. In such book, he shall enter the date of the sale, the name and address of the person purchasing any deadly weapon, the number and kind of deadly weapon so purchased, the color of the person so purchasing the same, the apparent age of the purchaser, and the names and addresses of at least 2 freeholders (editor's note: one having title to realty) resident in the county wherein the sale is made who shall positively identify the purchaser before the sale can be made. No clerk, employee or other person associated with the seller shall act as one of the identifying freeholders. The book shall at all times be open for inspection by any judge, justice of the peace, police officer, constable or other peace officer of this State.

28 Sec. 801. **Definitions.** (a) As used in this chapter, the term "a state contiguous to this State" shall mean any state having a common border with this State.

(b) As used in this chapter, all other terms shall be given the meaning prescribed in 18 U.S.C.A. Sec. 921 (the Gun Control Act of 1968), and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereafter modified.

28 Sec. 802. **Lawful acts.** It shall be lawful for a person residing in this State, including a corporation or other business entity maintaining a place of business in this State, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this State and to receive or transport such rifle or shotgun into this State, subject, however, to such other laws of the State or its political subdivision as may be applicable and subject to Sec. 102 of the Gun Control Act of 1968, 18 U.S.C.A. Sec. 921 et seq.

28 Sec. 803. **Not applicable to federal licensees.** This chapter shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

Delmar

13-2. No person shall offer for sale any gun, pistol, rifle * * * or any gunpowder, gunshot, rifle bullets or ammunition of any description to any one under the age of sixteen years old within the Town limits of the Town of Delmar, Delaware.

Dover

Sec. 20-29. Possession of weapons prohibited; exceptions.

(a) **Prohibition.** It shall be unlawful for any person to have in his possession, * * * except as provided in Subsection (b), a revolver or pistol of any description, a shotgun or rifle which may be used for the explosion of bullets and cartridges, * * * .

(b) **Exceptions.** The weapons prohibited in Subsection (a) shall be permitted upon the grant of a license therefor, if required, in the following situations:

(1) **Possession in home or business.** Possession within the possessor's own domicile or business.

(2) **License.** Possession, carrying or use in conformity with a license issued by the State of Delaware for that weapon.

(3) **Licensed shooting galleries or ranges.** Possession or use at licensed shooting galleries or ranges when the instrument can be fired, discharged or operated in a manner that shall not endanger persons or property, and also in a manner that shall prevent the projectile from traversing any grounds or space outside the limits of the gallery or range.

(4) **Cased and unloaded.** Carrying of any type of gun whatsoever when unloaded and properly cased, to or from any licensed gallery or range or to or from an area where hunting is allowed by law. This provision shall not limit the permitted carrying of guns allowed by Subsection (b)(5).

(5) **Authorized officials.** Carrying, wearing, possessing and using by United States marshals, sheriffs, constables and their deputies, and any regular, special or ex-officio policeman, or any other law enforcement officer while on duty, or as shall be necessary in the proper discharge of their duties.

(6) Hunting, possession, carrying or use in conformity with a license issued by the State of Delaware for that purpose in areas approved by the Chief of Police, and only then when used in such a manner that shall not endanger persons or property.

20-34. Sales to intoxicated persons and minors prohibited. It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon mentioned in Section 20-29(a) and -31(a) to any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years.

Elsmere

Ordinance 108

Section 1. That fire arms means any rifle, revolver, pistol or shotgun capable of propelling a projectile by means of an explosive material or charge.

Section 2. That ammunition is defined as any material used in discharging any fire arm projectile discharged by any fire arm.

Section 3. It shall be unlawful for anyone within the limits of the Town of Elsmere or within the limits of the public lands vested in said Town to sell, distribute, dispense or give away any fire arms or ammunition of any character whatsoever.

Wilmington

39-19.1 Manufacture, delivery, sale or possession of certain weapons prohibited. (a) It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell, or possess a smooth-bore shot revolver, short-barreled rifle, zip gun, converted tear gas gun, taser gun or converted starter pistol.

(b) 1. The term "smooth-bore shot revolver" as used in this section means a revolver with a smooth-bore having been reamed out so that it can be used to fire shotshell.

2. The term "short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

3. The term "zip-gun" means any weapon or instrument not originally designed to be a firearm which has been made or altered to discharge a projectile with sufficient force to cause death or physical injury.

4. The term "converted tear gas gun" as used in this section means a tear gas gun which has been altered to fire a projectile with sufficient force to cause death or physical injury.

5. The term "converted starter pistol" as used in this section means a starter pistol which has been altered to fire a projectile with sufficient force to cause death or physical injury.

(6) The term "taser gun," as used in this section, means any battery or electrically operated stun gun or high voltage weapon that projects a dart or barb or combination of darts or barbs attached to the weapon by lengths of wire, which is designed to transmit an electrical current upon discharge and impact.

(c) Any law enforcement officer while performing his lawful duties within the City shall be exempted from the effect of this section.

39-21. Same—Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, give away, dispose of or otherwise directly or indirectly furnish, within the city, to any minor under the age of eighteen years, any gun, pistol, revolver or other firearm whatsoever.

Sec. 39-35.1. Firearms dealers—Definitions. For the purposes of section 39-35.2, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer. Any individual, firm, association, partnership or corporation engaged in the

business of selling firearms, purchasing firearms for resale or conducting a gunsmith or firearms repair business. Whenever used in any cause prescribing and imposing a penalty, the term dealer, as applied to any partnership or association, shall mean the partners or members thereof, and as applied to any corporation, shall include the officers thereof.

Firearms. Any rifle, revolver, pistol or shotgun capable of propelling a projectile by means of an explosive material or charge.

Sec. 39-35.2. Same—Storage and display of firearms; permits. (a) During the hours they are not regularly open for business, dealers shall store all firearms in accordance with the following requirements: * * * * * (2) All firearms must be placed in an approved safe, vault or properly secured storeroom. Any dealer may comply with the requirements of this section by providing an approved steel safe wherein any firearms may be stored and locked during nonbusiness hours.

* * * * *

(c) No dealer shall receive a permit to store firearms unless he: (1) Complies with the provisions of this section and regulations issued pursuant thereto.

* * * * *

District Of Columbia

D.C. Code Encyclopedia

D.C. Code Title 22

22-3201. Possession, sale, transfer, and use of dangerous weapons—Definition. "Pistol," as used in this chapter, means any firearm with a barrel less than twelve inches in length.

"Sawed-off shotgun," as used in this chapter, means any shotgun with a barrel less than twenty inches in length.

"Machine gun," as used in this chapter, means any firearm which shoots automatically or semi-automatically more than twelve shots without reloading.

"Person," as used in this chapter, includes individual, firm, association, or corporation.

"Sell" and "purchase" and the various derivatives of such words, as used in this chapter, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

"Crime of violence," as used in this chapter, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, robbery, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

22-3203. Unlawful possession of a pistol. No person shall own or keep a pistol, or have a pistol in his possession or under his control within the District of Columbia, if—

(1) he is a drug addict;

(2) he has been convicted in the District of Columbia or elsewhere of a felony;

(3) he has been convicted of violating section 22-2701, section 22-2722, or sections 22-3302 to 22-3306; or

(4) he is not licensed under section 22-3210 to sell weapons, and he has been convicted of violating sections 22-3201 to 22-3216.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict. * * *

22-3207. Selling pistol to minors and others. No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 22-3203 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

22-3208. Transfers of firearms, regulated. No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * * No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the chief of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

22-3209. Dealers of weapons to be licensed. No retail dealer shall within the District of Columbia sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun, * * * without being licensed as provided in section 22-3210. No wholesale dealer shall, within the District of Columbia, sell, or have in his possession with intent to sell to any person other than a licensed dealer, any pistol, machine gun, sawed-off shot gun, * * *

22-3210. Licenses of dealers of weapons— * * * —Conditions thereof.

* * * * *

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 22-3203 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, * * * shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia.

Sec. 22-3212. Alteration of identifying marks of weapons prohibited

No person shall within the District of Columbia change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same within the District of Columbia: Provided, however, That nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the District of Columbia engaged in experimental work.

22-3213. Exceptions. This chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

22-3214. Possession of certain dangerous weapons prohibited—Exceptions. (a) No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: Provided, however, that machine guns, or sawed-off shotguns, * * * may be possessed by the members of the Army, Navy, Air Force or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the United States Postal Service or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law-enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money securities, or other valuables,

wholesale dealers and retail dealers licensed under section 22-3210.

22-3215a. Manufacture, transfer, use, possession or transportation of molotov cocktails, or other explosives for unlawful purposes, prohibited—definitions—penalties. (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or transport a molotov cocktail. As used in this subsection, the term "molotov cocktail" means (1) a breakable container containing flammable liquid and having a wick or a similar device capable of being ignited, or (2) any other device designed to explode or produce uncontained combustion upon impact; but such term does not include a device lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose.

(b) No person shall manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, with the intent that the same may be used unlawfully against any person or property. * * *

Title 6

Chapter 18

Subchapter I—General Provisions

Sec. 6-1802. Definitions. (1) "Acts of Congress" means (A) chapter 32 of title 22; (B) Omnibus Crime Control and Safe Streets Act of 1968, as amended (Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236; 18 U.S.C. Appendix)); and (C) an Act to Amend Title 18, United States Code, to Provide for Better Control of the Interstate Traffic in firearms Act of 1968 (82 Stat. 1213; 18 U.S.C. 921, et seq.).

(2) "Ammunition" means cartridge cases, shells, projectiles (including shot), primers, bullets, propellant powder, or other devices or materials designed, redesigned, or intended for use in a firearm or destructive device.

(3) "Antique firearm" means—(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (B) any replica of any firearm described in subparagraph (A) if such replica—(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(4) "Chief" means the Chief of Police of the Metropolitan Police Department of the District of Columbia or his designated agent.

(5) "Crime of Violence" means a crime of violence as defined in section 22-3201, committed in any jurisdiction, but does not include larceny or attempted larceny.

(6) "Dealers license" means a license to buy or sell, repair, trade, or otherwise deal in firearms, destructive devices, or ammunition as provided for in subchapter IV of this chapter.

(7) "Destructive device" means—(A) an explosive, incendiary, or poison gas bomb, grenade, rocket, missile, mine, or similar device; (B) any device by whatever name known which will, or is designed or redesigned, or may be readily converted or restored to expel a projectile by the action of an explosive or other propellant through a smooth bore barrel, except a shotgun. (C) any device containing tear gas or a chemically similar lacrimator or sternutator by whatever name known; (D) any device designed or redesigned, made or remade, or readily converted or restored, and intended to stun or disable a person by means of electric shock; (E)any combination of parts designed or intended for use in converting any device into any destructive device; or from which a destructive device may be readily assembled:

Provided, That the term shall not include—(i) any pneumatic, spring, or B-B gun which expels a single projectile not exceeding .18 inch in diameter; (ii) any device which is neither designed nor redesigned for use as a weapon; (iii) any device originally a weapon which has been redesigned for use as a signaling, line throwing, or safety device; or, (iv) any device which the Chief finds is not likely to be used as a weapon.

(8) "District" means District of Columbia.

(9) "Firearm" means any weapon which will, or is designed or redesigned, made or remade, readily converted or restored, and intended to, expel a projectile or projectiles by the action of an explosive; the frame or receiver of any such device; or any firearm muffler or silencer: Provided, That such term shall not include—(A) antique firearms; and/or (B) destructive devices; (C) any device used exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission; or (D) any device used exlusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon.

(10) "Machine gun" means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot: (A) automatically, more than one shot by a single function of the trigger; (B) semiautomatically, more than twelve shots without manual reloading.

(11) "Organization" means any partnership, company corporation, or other business entity, or any group or association of two or more persons united for a common purpose.

(12) "Pistol" means any firearm originally designed to be fired by use of a single hand.

(13) "Registration certificate" means a certificate validly issued pursuant to this act evincing the registration of a firearm pursuant to this chapter.

(14) "Rifle" means a grooved bore firearm using a fixed metallic cartridge with a single projectile and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(15) "Sawed-off shotgun" means a shotgun having a barrel of less than 20 inches in length; or a firearm made from a shotgun if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 20 inches in length.

(16) "Shotgun" means a smooth bore firearm using a fixed shotgun shell with either a number of ball shot or a single projectile, and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(17) "Short barreled rifle" means a rifle having any barrel less than 16 inches in length, or a firearm made from a rifle if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 16 inches.

(18) "Weapons offense" means any violation in any jurisdiction of any law which involves the sale, purchase, transfer in any manner, receipt, acquisition, possession, having under control, use, repair, manufacture, carrying, or transportation of any firearm, ammunition, or destructive device.

Subchapter II—Firearms and Destructive Devices

Sec. 6-1811. Registration Requirements. (a) Except as otherwise provided in this chapter, no person or organization shall within the District receive, possess, have under his control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization shall, within the District possess or have under his or its control any firearm, unless such person or organization is the holder of a valid registration certificate for such firearm. In the case of an organization, a registration certificate shall be issued (1) only to an organization which has in its employ one or more commissioned special police officers or other employees licensed to carry firearms, and which arms such employees with firearms during such employees duty hours and (2) only to such organization in its own name and in the name of its president or the chief executive. (b) Subsection (a) shall not apply to—

(1) Any law enforcement officer or agent of the District or the United States, or any law enforcement officer or agent of the government of any State or subdivision thereof, or any member of the Armed Forces of the United States, the National Guard or Organized Reserves, when such officer, agent, or member is authorized to possess such a firearm or device while on duty in the performance of official authorized functions.

(2) Any person holding a dealer's license; Provided, That the firearm or destructive device is—(A) acquired by such person in the normal conduct of business; (B) is kept at the place described in the dealer's license; and (C) is not kept for such person's private use or protection, or for the protection of his business.

(3) With respect to firearms, any non-resident of the District participating in any lawful recreational firearm-related activity in the District, or on his way to or from such activity in another jurisdiction; Provided, That such person, whenever in possession of a firearm, shall upon demand of any member of the Metropolitan Police Department, or other bona fide law enforcement officer, exhibit proof that he is on his way to or from such activity, and that his possession or control of such firearm is lawful in the jurisdiction in which he resides: Provided further, that such weapon shall be unloaded, securely wrapped, and carried in open view.

Sec. 6-1812. Registration of certain firearms prohibited. No registration certificate shall be issued for any of the following types of firearms: (a) Sawed-off shotgun; (b) Machine gun; (c) Short-barreled rifle; (d) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, provided, that the provisions of this subsection shall not apply to any organization which has in its employ one (1) or more commissioned special police officers or other employees licensed to carry firearms, and which arms such employees with firearms during such employees' duty hours.

Sec. 6-1813. Qualifications for registration—Information required for registration. (a) No registration certificate shall be issued to any person (and in the case of a person between the ages of 18 and 21, to the person and his signatory parent or guardian) or organization unless the Chief determines that such person (or the president or chief executive in the case of an organization):

(1) is twenty-one years of age or older: Provided, That the Chief may issue to an applicant between the ages of eighteen and twenty-one years old, and who is otherwise qualified, a registration certificate if the application is accompanied by a notarized statement of the applicant's parent or guardian—(A) that the applicant has the permission of his parent or guardian to own and use the firearm to be registered; and (B) the parent or guardian assumes civil liability for all damages resulting from the actions of such applicant in the use of the firearms to be registered: Provided further, that such registration certificate shall expire on such person's twenty-first birthday;

(2) Has not been convicted of a crime of violence, weapons offense, or a violation of this chapter;

(3) Is not under indictment for a crime of violence or a weapons offense;

(4) Has not been convicted within five years prior to the application of any: (A) violation in any jurisdiction of any law restricting the use, possession, or sale of any narcotic or dangerous drug; or (B) a violation of section 22-507 regarding threats to do bodily harm, or section 22-504, regarding assaults and threats, or any similar provision of the law of any other jurisdiction so as to indicate a likelihood to make unlawful use of a firearm:

(5) Within the five year period immediately preceding the application, has not been acquitted of any criminal charge by reason of insanity or has not been adjudicated a chronic alcholic by any court, Provided, That this paragraph shall not apply if such person shall present to the Chief with the application, a medical certification indicating that the applicant has recovered from such insanity or alcholic condition and is capable of safe and responsible possession of a firearm;

(6) Within the five years immediately preceding the application, has not been voluntarily or involuntarily committed to any mental hospital or institution; Provided, That this paragraph shall not apply, if such person shall present to the Chief with the applicant (sic) a medical certification that the applicant has recovered from whatever malady prompted such commitment;

(7) Does not appear to suffer from a physical defect which would tend to indicate that the applicant would not be able to possess and use a firearm safely and responsibly;

(8) Has not been adjudicated negligent in a firearm mishap causing death or serious injury to another human being;

(9) Is not otherwise ineligible to possess a pistol under section 22-3203;

(10) Has not failed to demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to firearms and the safe and responsible use of the same in accordance with tests and standards prescribed by the Chief; Provided, That once this determination is made with respect to a given applicant for a particular type of firearm, it need not be made again for the same applicant with respect to a subsequent application for the same type of firearms: Provided, further, that this paragraph shall not apply with respect to any firearm re-registered pursuant to section 6-1816(b) of this chapter; and

(11) Has vision better than or equal to that required to obtain a valid driver's license under the laws of the District of Columbia; Provided, That current licensure by the District of Columbia, of the applicant to drive, shall be prima facie evidence that such applicant's vision is sufficient and this determination shall not be made with respect to persons applying to re-register any firearm pursuant to section 6-1816(b) of this chapter.

(b) Every person applying for a registration certificate shall provide on a form prescribed by the Chief: [that information which is required by the District of Columbia; contact local authorities for requirements] * * *

(c) Every organization applying for a registration certificate shall—(1) with respect to the president or chief executive of such organization, comply with the requirements of subsection (b); and (2) provide such other information as the Chief determines is necessary to carry out the provisions of this chapter.

Sec. 6-1814. Fingerprints and photographs of applicants—Application in person required. [Contact local authorities for requirements] * * *

Sec. 6-1815. Application under oath—fees. [Contact local authorities for requirements] * * *

Sec. 6-1816. Time for filing registration applications. (a) An application for a registration certificate shall be filed (and a registration certificate issued) prior to taking possession of a firearm from a licensed dealer or from any person or organization holding a registration certificate therefor. In all other cases, an application for registration shall be filed immediately after a firearm is brought into the District. It shall be deemed compliance with the preceding sentence if such person personally communicates with the Metropolitan Police Department (as determined by the Chief to be sufficient) and provides such information as may be demanded: Provided, That such person files an application for a registration certificate within 48 hours after such communication. (b) Any firearm validly registered under prior regulations must be registered pursuant to this chapter in accordance with procedures to be promulgated by the Chief. An application to register such firearm shall be filed pursuant to this chapter within 60 days of September 24, 1976.

Sec. 6-1817. Issuance of registration certificate—time period—corrections. [Contact local authorities for requirements] * * *

Sec. 6-1818. Duties of Registrants. Each person and organization holding a registration certificate, in addition to any other requirements imposed by this chapter, or the Acts of Congress, shall: (a) notify the Chief in writing of: (1) the loss, theft, or destruction of the registration certificate or of a registered firearm (including the circumstances, if known) immediately upon discovery of such loss, theft, or destruction; (2) a change in any of the information appearing on the registration certificate or required by section 6-1813; (3) the sale, transfer or other disposition of the firearm not less than forty-eight hours prior to delivery, pursuant to such sale, transfer or other disposition, including: (A) identification of the registrant, the firearm and the serial number of the registration certificate; (B) the name, residence, and business address and date of birth of the person to whom the

firearm has been sold or transferred; and (C) whether the firearm was sold or how it was otherwise transferred or disposed of. (b) Return to the Chief, the registration certificate for any firearm which is lost, stolen, destroyed, or otherwise transferred or disposed of, at the time he notified the Chief of such loss, theft, destruction, sale, transfer, or other disposition. (c) Have in his possession, whenever in possession of a firearm, the registration certificate for such firearm, and exhibit the same upon the demand of a member of the Metropolitan Police Department, or other law enforcement officer.

Sec. 6-1819. Revocation of registration certificates. A registration certificate shall be revoked if: (1) any of the criteria in section 6-1813 are not currently met; (2) the registered firearm has become an unregisterable firearm under the terms of section 6-1812 or a destructive device; (3) the information furnished to the Chief on the application for a registration certificate proves to be intentionally false; or (4) there is a violation or omission of the duties, obligations or requirements imposed by section 6-1818.

Sec. 6-1820. Procedures for denial or revocation of registration certificate. [Contact local authorities for requirements] * * *

Subchapter III—Estates Containing Firearms

Sec. 6-1831. Rights and responsibilities of executors and administrators. (a) The executor or administrator of an estate containing a firearm shall notify the Chief of the death of the decedent within thirty days of his appointment or qualification, whichever is earlier. (b) Until the lawful distribution of such firearm to an heir or legatee or the lawful sale, transfer, or disposition of the firearm by the estate; the executor or administrator of such estate shall be charged with the duties and obligations which would have been imposed by this chapter upon the decedent, if the decedent were still alive; Provided, That such executor or administrator shall not be liable to the criminal penalties of section 6-1875.

Subchapter IV—Licensing of Firearms Businesses

Sec. 6-1841. Prohibition of manufacturing—Exception—Dealer's license requirements.

(a) No person or organization shall manufacture any firearm, destructive device or parts thereof, or ammunition, within the District; Provided, That persons holding registration certificates may engage in hand loading, reloading, or custom loading ammunition for his registered firearms: Provided further, that such persons may not hand load, reload, or custom load ammunition for others.

(b) No person or organization shall engage in the business of selling, purchasing, or repairing any firearm, destructive device, parts therefor, or ammunition, without first obtaining a dealer's license, and no licensee shall engage in the business of selling, purchasing, or repairing firearms which are unregisterable under section 6-1812, destructive devices, or parts therefor, except pursuant to a valid work or purchase order, for those persons specified in section 6-1811(b)(1).

Sec. 6-1842. Qualifications for dealer's licenses—Application—fee.

(a) Any person eligible to register a firearm under this act, and who, if a registrant, has not previously failed to perform any of the duties imposed by this chapter; and, any person eligible under the Acts of Congress to engage in such business, may obtain a dealer's license, or a renewal thereof, which shall be valid for a period of not more than one year from the date of issuance. The license required by this chapter, shall be in addition to any other license or licensing procedure required by law.

(b) Each application for a dealer's license and each application for renewal thereof shall be made on a form prescribed by the Chief, shall be sworn to or affirmed by the applicant, and shall contain: [Contact local authorities for requirements] * * *

Sec. 6-1843. Issuance of a dealer's license—Time period—corrections. [Contact local authorities for requirements] * * *

Sec. 6-1844. Duties of licensed dealers—records required. [Contact local authorities for requirements] * * *

Sec. 6-1845. Revocation of dealer's license.

A dealer's license shall be revoked if—

(a) any of the criteria in section 6-1844 is not currently met, or

(b) the information furnished to the Chief on the application for a dealer's license proves to be intentionally false; or

(c) there is a violation or omission of the duties, obligations, or requirements imposed by section 6-1844.

Sec. 6-1846. Procedures for denial and revocation of dealer's license. [Contact local authorities for requirements] * * *

Sec. 6-1847. Display of firearms or ammunition by dealers—Security—Employees of dealers.

(a) No licensed dealer shall display any firearm or ammunition in windows visible from a street or sidewalk. All firearms, destructive devices, and ammunition shall be kept at all times in a securely locked place affixed to the premises except when being shown to a customer, being repaired, or otherwise being worked on.

(b) No licensee shall knowingly employ any person in his establishment if such person would not be eligible to register a firearm under this chapter.

Sec. 6-1848. Firearm markings. No licensee shall sell or offer for sale any firearm which does not have imbedded into the metal portion of such firearm a unique manufacturer's identification number or serial number, unless the licensee shall have imbedded into the metal portion of such firearm a unique dealer's identification number.

* * * * *

Subchapter V—Sale and Transfer of Firearms, Destructive Devices, and Ammunition

Sec. 6-1851. Sales and transfers prohibited. No person or organization shall sell, transfer or otherwise dispose of any firearm, destructive device or ammunition in the District except as provided in sections 6-1852 or 6-1875.

Sec. 6-1852. Permissible sales and transfers.

(a) Any person or organization eligible to register a firearm may sell or otherwise transfer ammunition or any firearm, except those which are unregisterable under section 6-1812, to a licensed dealer.

(b) Any licensed dealer may sell or otherwise transfer ammunition and any firearm or destructive device which is lawfully a part of such licensee's inventory to: (1) any nonresident person or business licensed under the Acts of Congress and the jurisdiction where such person resides or conducts such business; (2) any other licensed dealer; (3) any law enforcement officer or agent of the District or the United States when such officer or agent is on duty, and acting within the scope of his duties when acquiring such firearm, ammunition, or destructive device, if the officer or agent has in his possession a statement from the head of his agency stating that the item is to be used in such officer's or agent's official duties.

(c) Any licensed dealer may sell or otherwise transfer a firearm except those which are unregisterable under section 1812, to any person or organization possessing a registration certificate for such firearm; Provided, That if the Chief denies a registration certificate, he shall so advise the licensee who shall thereupon (1) withhold delivery until such time as a registration certificate is issued, or, at the option of the purchaser, (2) declare the contract null and void, in which case consideration paid to the licensee shall be returned to the purchaser; Provided further that this subsection shall not apply to persons covered by subsection (b).

(d) Except as provided in subsections (b) and (e), no licensed dealer shall sell or otherwise transfer ammunition unless (1) the sale or transfer is made in person; and (2) the purchaser exhibits, at the time of sale or other transfer, a valid registration certificate, or, in the case of a nonresident, proof that the

weapon is lawfully possessed in the jurisdiction where such person resides; (3) the ammunition to be sold or transferred is of the same caliber or gauge as the firearm described in the registration certificate, or other proof in the case of nonresident; and (4) the purchaser signs a receipt for the ammunition which (in addition to the other records required under this chapter) shall be maintained by the licensed dealer for a period of one year from the date of sale.

(e) Any licensed dealer may sell ammunition to any person holding an ammunition collector's certificate on September 24, 1976; Provided, That the collector's certificate shall be exhibited to the licensed dealer whenever the collector purchases ammunition for his collection; Provided further that the collector shall sign a receipt for the ammunition, which shall be treated in the same manner as that required under subsection (d)(4) of this section.

Subchapter VI—Possession of Ammunition

Sec. 6-1861. Persons permitted to possess ammunition. No person shall possess ammunition in the District of Columbia unless: (a) He is a licensed dealer pursuant to Subchapter IV; (b) He is an officer, agent, or employee of the District of Columbia or the United States of America, on duty and acting within the scope of his duties when possessing such ammunition; (c) He is the holder of a valid registration certificate for a firearm of the same gauge or caliber as the ammunition he possesses; or (d) He holds an ammunition collector's certificate on September 24, 1976.

Subchapter VII—Miscellaneous.

Sec. 6-1871. Securing mortgages, deposits, or pawns with firearms, destructive devices, or ammunition prohibited—Loan or rental of firearms, destructive devices, or ammunition prohibited. (a) No firearm, destructive device, or ammunition shall be security for, or be taken or received by way of any mortgage, deposit, pledge, or pawn. (b) No person may loan, borrow, give, or rent to or from another person, any firearm, destructive device, or ammunition.

Sec. 6-1872. Firearms required to be unloaded and disassembled or locked. Except for law enforcement personnel described in section 6-1811(b)(1), each registrant shall keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business, or while being used for lawful recreational purposes within the District of Columbia.

Sec. 6-1873. Firing ranges. [Contact local authorities for requirements] * * *

Sec. 6-1874. False information—forgery or alteration. (a) It shall be unlawful for any person purchasing any firearm or ammunition, or applying for any registration certificate or dealer's license under this chapter, or in giving any information pursuant to the requirements of this chapter, to knowingly give false information or offer false evidence of identity. (b) It shall be unlawful for anyone to forge or alter any application, registration certificate, or dealer's license submitted, retained or issued under this chapter.

Sec. 6-1875. Voluntary surrender of firearms, destructive devices, or ammunition—Immunity from prosecution—Determination of evidentiary value of firearm. (a) If a person or organization within the District voluntarily and peaceably delivers and abandons to the Chief any firearm, destructive device, or ammunition at any time, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this chapter with respect to the firearm, destructive device, or ammunition voluntarily delivered. Delivery under this section may be made at any police district, station, or central headquarters, or by summoning a police officer to the person's residence or place of business. Every firearm and destructive device to be delivered and abandoned to the Chief under this section shall be unloaded and securely wrapped in a package, and, in the case of delivery to a police facility, the package shall be carried in open view. No person who delivers and abandons a firearm, destructive device, or ammunition under this section, shall be required to furnish identification, photographs, or fingerprints. No amount of money shall be paid for any firearm, destructive devices, or ammunition delivered and abandoned under this section. (b) Whenever any firearm, destructive device, or any ammunition is surrendered under this section or pursuant to section 6-1820(c)(1), the Chief shall inquire of the United States Attorney and the Corporation Counsel for the District whether such firearm is needed as evidence; Provided, That if the same is not needed as evidence, it shall be destroyed.

Sec. 6-1878. Construction Nothing in this chapter shall be construed, or applied to necessarily require, or excuse noncompliance with any provision of any Federal Law. This chapter and the penalties prescribed in section 6-1876, for violations of this chapter, shall not supersede but shall supplement all statutes of the District and the United States in which similar conduct is prohibited or regulated.

* * * * *

Florida

State Law

Fla. Stat. Ann

790.001 Definitions. The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter, except where the context otherwise requires.

(1) "Antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Concealed firearm" means any firearm, as defined in subsection (6), when the same is carried on or about a person in such a manner as to conceal said firearm from the ordinary sight of another person.

(3) (a) "Concealed weapon" means any dirk, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or any other deadly weapon carried on or about a person in such a manner as to conceal said weapon from the ordinary sight of another person.

(b) "Tear gas gun," "chemical weapon" or "device" shall apply to all weapons of such nature except those designed to be carried in a woman's handbag or a man's pants or coat pocket or designed as a pocket pencil or pen and containing not more than one half (1/2) ounce of chemical.

(4) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of any explosive and has a barrel with a bore of one half inch or more in diameter and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. "Destructive device" shall not include:

(a) A device which is not designed, redesigned, used, or intended for use as a weapon;

(b) Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;

(c) Any shotgun other than a short-barreled shotgun; or

(d) Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

(5) "Explosive" means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps and detonators; but not including:

(a) Shotgun shells, cartridges or ammunition for firearms;

(b) Fireworks as defined in Sec. 791.01;

(c) Smokeless propellent powder or small arms ammunition primers, if possessed, purchased, sold, transported or used in compliance with Sec. 552.241;

(d) Black powder in quantities not to exceed that authorized by chapter 552, or by any rules or regulations promulgated thereunder by the department of insurance, when used for or intended to be used for the manufacture of target and sporting ammunition or for use in muzzle loading flint or percussion weapons.

(6) "Firearm" means any weapon (including a starter gun) which will, or is designed to or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" shall not include an antique firearm.

(7) "Indictment" means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(8) "Law enforcement officer" means:

(a) All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests;

(b) Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon;

(c) Members of the armed forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for or going to or from military duty, or under orders;

(d) Employees of the state prisons or correctional systems who have been so designated by the Department of Offender Rehabilitation or by a superintendent of an institution;

(e) All peace officers;

(f) All state attorneys and United States attorneys, and their respective assistants and investigators.

(9) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semi-automatically, more than one (1) shot, without manually reloading, by a single function of the trigger.

(10) "Short barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(11) "Short barreled rifle" means a rifle having one (1) or more barrels less than sixteen (16) inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

* * * * *

(13) "Weapon" means * * * tear gas gun, chemical weapon or device, or any other deadly weapon except a firearm or a common pocket knife.

(14) "Electric weapon or device" means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury.

790.161 Making, possessing, * * * any destructive device * * *. A person who makes, possesses, * * * any destructive device, with intent to do bodily harm to any person or with intent to do damage to property; (1) shall be guilty of a felony * * *.

790.17 Furnishing weapons to minors under eighteen years of age, etc. Whoever sells, hires, barters, lends or gives any minor under eighteen years of age any pistol, * * * electric weapon or device or other arm or weapon, * * * without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barters, lends or gives to any person of unsound mind an electric weapon or device or any dangerous weapon * * * is guilty of a misdemeanor of the first degree, punishable as provided in Sec. 775.082, Sec. 775.083, or Sec. 775.084.

790.18 Selling arms to minors by dealers. It is unlawful for any dealer in arms to sell to minors any pistol, springfield rifle or other repeating rifle, or electric weapon or device * * * and every person violating this section shall be guilty of a misdemeanor of the first degree, punishable as provided in Sec. 775.082 or Sec. 775.083.

790.221 Possession of short-barreled rifle, short-barreled shotgun or machine gun; penalty.

(1) It is unlawful for any person to own or to have in his care, custody, possession or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable, but this section shall not apply to antique firearms.

(2) Any person convicted of violating this section is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary not to exceed five (5) years.

(3) Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted.

COMPILER'S NOTE: Florida residents legally possessing short-barreled shotguns, short-barreled rifles or machine guns under federal law may transfer such weapons pursuant to 26 U.S.C. Section 5812 to another Florida resident; they would not come within the proscription of Section 790.221, Florida Statutes.

790.23 Felons; possession of firearms or electric weapons or devices unlawful; exception; penalty. (1) It is unlawful for any person who has been convicted of a felony in the courts of this state or of a crime against the United States which is designated as a felony or convicted of an offense in any other state, territory, or country punishable by imprisonment for a term exceeding 1 year to own or to have in his care, custody, possession, or control any firearm or electric weapon or device or to carry a concealed weapon, including all tear gas guns and chemical weapons or devices.

(2) This section shall not apply to a person convicted of a felony whose civil rights have been restored.

(3) Any person convicted of violating this section is guilty of a felony of the second degree, punishable as provided in Secs. 775.082, 775.083 and 775.084.

Alachua County

Section 1: Handgun means any weapon commonly referred to as a pistol, other than a BB gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

Section 2: No retail establishment or pawn shop shall sell or deliver a handgun to any purchaser until three (3) complete days have elapsed after application to purchase has been made.

Section 3: No wholesale establishment shall sell or deliver a handgun to any purchaser except to another wholesale establishment or retail establishment until three (3)

complete days have elapsed after application to purchase has been made.

Section 4: It shall be unlawful for anyone to purchase a handgun from any establishment mentioned in Sections 2 and 3 hereof without a valid application hereinafter provided for.

Section 5: All sales and deliveries of handguns except as provided in Section 3 hereof shall require an approved application form to be filed with the seller by applicant. Applications for the purchase of handguns shall be available only in the office of the Sheriff of Alachua County, Florida. * * *

* * * * *

Before the sale or delivery of a handgun within Alachua County, the Seller shall be required to receive from buyer the copy of the approved application. Should the seller determine or have reason to believe that the application has been forged or contains false information, he shall make no sales based thereon but shall immediately report such information to the Sheriff's Office for further investigation.

* * * * *

Section 9: Antique firearms as defined in Section 790.001(1), Florida Statutes, are exempt from the provisions hereof.

Bal Harbour

Sec. 12-17. Weapons—Pistols, etc.; notice of intention to obtain. (a) It shall be unlawful to purchase, acquire or receive delivery of any pistol or revolver of any description without first filing a notice of such intention with the chief of police and giving information concerning his name, residence, a full description of such firearm and the name and address of the person from whom such firearm will be obtained.

Sec. 12-18. Same—Sale in violation of section 12-17. It shall be unlawful to sell, barter, exchange or deliver, or cause to be delivered, any revolver or pistol to any other person, without having previously obtained the registration certificate described in section 12-17 from the person seeking actual delivery of such firearm and, upon receipt of such certificate, shall report to the chief of police within twenty-four (24) hours thereafter the serial number of such revolver or pistol and the name and address of the person to whom it is delivered.

Bay Harbor Islands

Article II. Firearms and Other Weapons

Sec. 14.20. Attempting to use or possessing certain weapons prohibited. A person * * * who, with intent to use the same unlawfully against another, carries or possesses a * * * machine gun, sawed-off shotgun, bomb or bombshell, or any explosive substance, or any other dangerous or deadly instrument, or weapon, except a rifle or shotgun not sawed off, is guilty of a misdemeanor. Possession shall include but not be limited to in a person's house or in his automobile.

Sec. 14-21. Possessing concealable weapon without a license. Any person who shall have in his possession in the town any pistol, revolver, or other fire-arm, or any dangerous or deadly weapon of a size which may be concealed upon the person, without a written license therefor, issued to him as hereinafter prescribed, shall be guilty of a misdemeanor. Possession shall include but not be limited to in a person's house or in his automobile.

Belle Glade

17-40. Weapons—Procedure for acquiring. (a) It is unlawful for any person to purchase, acquire or receive delivery of any pistol or revolver of any description unless he has first filed a notice of intent to acquire same with the chief of police.

(c) It is unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered, any revolver or pistol to any other person without having previously obtained the registration certificate * * * from the person seeking actual delivery of such firearm * * *

Boynton Beach

* * * * *

Sec. 17-50. Same—Sale, purchase from, furnishing to persons under influence of drugs, alcohol, etc.; minors. It shall be unlawful for any person to purchase from, sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor.

* * * * *

Brooksville

* * * * *

Sec. 15-32. [Minors]—Sale of weapons to. It shall hereafter be unlawful for any person to sell, barter, lend, give, or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age.

It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents or legal guardian of such a minor.

Clearwater

13-32. Buying or receiving goods from minors. It shall be unlawful for any person conducting an auction house, or for any pawnbroker, junk dealer or secondhand dealer to loan money to or buy or receive from any minor any goods, chattels or other article of personal property; provided, however, this section shall not apply to any minor who has in his possession the written consent to the proposed transaction signed by a parent or guardian, nor shall it apply to any minor whose disabilities of nonage have been removed as provided by law.

13-34. Chapter applies to guns, pistols, etc. All the provisions herein provided for receiving, registering, reporting, holding and disposing of personal property generally shall specifically apply to pistols, guns and firearms of all kinds.

Cocoa Beach

Sec. 15-35. (Weapons)—Sale, loans, etc., to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

Coral Gables

Section 20-15. Firearms—Sale. (a) Definition. The word "firearm" as used in this ordinance shall be construed to mean any revolver, pistol, auto-loading pistol, any modified shotgun or rifle having an overall length of less than 26 inches, rifles having barrels less than 16 inches, and shotguns having a barrel length of less than 18 inches, machine guns, sub-machine guns and machine pistols or any fully automatic weapon capable of firing more than one shot at each pull of the trigger. This ordinance shall not apply to any antique weapon with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique rifles using ammunition which is no longer manufactured or commercially sold.

(b) Application. Any person desiring to purchase, receive, lease, loan, rent, give or make any other transfer of custody of a firearm shall be required to give the seller or the person from whom the firearm is to be obtained, in writing, on a form to be supplied by

the Chief of Police, a statement in duplicate containing true and correct information which shall include the following:

* * * * *

(c) Restrictions. It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one (21) years unless accompanied by a parent or guardian, in which event, both the minor and the parent or guardian shall be required to fill out the application form, as provided in Section 20-15 (b) hereof.

It shall be unlawful for any person to sell, loan, give, furnish or transfer any firearm or any ammunition therefor to any person whom the seller knows or has reasonable cause to believe is under the influence of intoxicating liquor, narcotic, drugs, stimulants, depressants, barbiturates or hallucinogens; or is addicted to any narcotic, drug or barbiturate or hallucinogens; or is a habitual alcoholic; or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization. In addition to all other penalties, violations of Section 20-15 shall be grounds for revocation of any license to sell firearms issued by the City to such violator.

(d) Applicability. The provisions of Section 20-15 shall apply to persons in the firearms business or in the business of gunsmithing, and do not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers, or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

Section 20-16. Firearms—License required for sale: Qualifications; Application; Credit Report; F.B.I. Reports. Occupational licenses permitting the sale or distribution of firearms shall be issued only to persons of good moral character, who have not been convicted of any offense involving moral turpitude, and who are over twenty-one (21) years of age. Licenses to corporations shall be issued only when all directors, officers and managers of unit qualify as above.

* * * * *

Section 20-16. 1 Firearms—Waiting Period Required; Investigation. (a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving, delivering or transferring custody of any firearm, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm (make, model, barrel length, caliber, type, finish) to the Chief of Police by first class mail, not later than twenty-four (24) hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two (72) hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of firearm may be made after a twenty-four (24) hour waiting period, only under the circumstances and to those persons listed below:

1. Applicant must furnish any United States of America, State of Florida, County, or municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of said I.D. card. The above shall be on an approved list promulgated by the Chief of Police.

2. Applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two (72) hour or twenty-four (24) hour waiting period required:

1. Wholesale dealers who have valid state, county and/or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county and/or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

2. Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, State of Florida, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two (72) hour or twenty-four (24) hour waiting period, as set forth in the foregoing provisions of this ordinance, the following information shall be imprinted on the application: The issuing agency or authority; The card number; The name and address identical to that on the card.

3. Persons who are on record with a Police Department in Dade County as having previously purchased a pistol, revolver or firearm as defined in Section 20-15 (a) hereof.

4. Persons trading an operable pistol, revolver or firearm, as defined in Section 20-15 (a), for another similar operable pistol, revolver or firearm.

(d) The provisions of Section 20-16 shall not apply to gun shows, conferences or conventions which are staged by a duly recognized non-profit state or national organization.

Dade City

Sec. 15-28. Prohibitions and restrictions as to possession, discharge, use by minors and carrying concealed weapons.

(a) It shall be unlawful for any person to have within the corporate limits of the city any machine gun, shotgun having a barrel of less than twenty inches in length, any firearm equipped with a silencer, * * * except a pistol or revolver when a permit to carry the same has been received from the chief of police of said city.

(b) It shall be unlawful for any minor under the age of sixteen years to possess any of the weapons described in subparagraph (a) above * * *

Sec. 15-29. Selling to minors. It shall be unlawful to sell to any minor, within the limits of the city any pistol, revolver or other pocket firearm. The word "pistol", as used in this chapter, shall be held to include pocket sized mechanical devices designed for or capable of exploding or firing blank shells or cartridges, whether classed or sold as toys or otherwise, * * *.

Dade County

* * * * *

Sec. 21-7. Sale of firearms to. [Minors]. It shall be unlawful for any person to sell or offer for sale, barter or exchange, or offer to barter of exchange to or with any minor under the age of twenty-one years any pistol or other firearm capable of inflicting bodily harm except upon written parental consent.

* * * * *

Sec. 21-16. Sale, loan, etc., weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any firearm as defined in section 21-20.1(a) to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

* * * * *

Sec. 21-19.1. Sale of Saturday night specials in Dade County prohibited. It shall be unlawful for any person to sell or otherwise transfer any Saturday night special as defined in section 21-20.1(b) or offer or expose for sale or transfer any such Saturday night special.

(a) Notwithstanding the foregoing provisions of this section, the sale of Saturday night specials to law enforcement agencies or for authorized military use shall not be subject to the limitations herein set forth.

(b) This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

Sec. 21-20. Registration of sales and transfers required; penalty. (a) Register. Every person engaged in the business of selling, leasing, or otherise transferring firearms as defined in section 21-20.1(a), of the size capable of being concealed on the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, shall keep a register * * *

(b) Purchaser and seller to sign. The person to whom such firearm is sold, leased or otherwise transferred shall sign and the dealer shall require him to sign his name and affix his address to the register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signature of the person to whom such firearm is sold, leased or transferred.

(c) Waiting period required for handgun. The person to whom such handgun is sold, leased or otherwise transferred shall wait, and the dealer shall require him to wait, a period of seventy-two (72) hours prior to such person acquiring possession of such handgun.

Division 2. License to Sell Firearms

Sec. 21.20.1. Definitions. (a) The word "firearm" as used in this division shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, and originally designed or altered to be used by one hand and having a barrel length of less than sixteen (16) inches, and an overall length of less than twenty-six and one-half (26 1/2) inches, but the word firearm shall not be construed to mean guns that do not use self-contained cartridges.

(b) The term "Saturday Night Special" shall mean any firearm which is 32 caliber or smaller, whose barrel is less than three (3) inches, except those whose frame is an investment cast or forged steel, or investment cast or forged high tensile alloy.

(c) The word "sale" includes transfer, assignment, pledge, lease, loan, barter, or gift.

Sec. 21-20.2. License—Required to sell. (a) It shall be unlawful for any person who, without being licensed as provided in this act [chapter], to engage in the business of selling or otherwise transferring any handgun or to advertise for sale, or offer or expose for sale or transfer any handgun defined in section 21-120.1(a) or to engage in the business of repairing handguns. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to: (1) Sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) Isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit state or national organization.

Sec. 21-20.3. Same—Granted by commission. The county commission may grant licenses in the form prescribed by the county commission permitting the licensee to sell said handguns within the county on the premises named therein.

Sec. 21-20.6. Issuance of license. (a) Upon completion of the following: (1) An investigation showing the statements on the application to be true; and (2) The taking and passing of the required written examination on gun control laws and applicable to the sale of firearms in Dade County; the county commission shall inquire into the good character, competency and integrity of the applicant. If the commission is satisfied as to the applicant's good character, compentency and integrity, a license to sell shall be issued to the applicant within thirty (30) days of application, and the committee should also assign a permament license number to each applicant.

(b) No license may be issued to any person who has been convicted of a felony in this state or elsewhere or who is under eighteen(18) years of age.

(c) No license may be issued solely in the name of a corporation, firm, partnership, company or other fictitious entity, but the corporate name may be listed on the license.

(d) Annual renewal for either dealer or employee shall be a duplicate simple form listing only name, address, company name and address, Dade County license number, and notarized signature.

Sec. 21-20.7. File of applications and licenses. After disposition of the application, the original shall be maintained in the files of the county commission. The duplicate copy shall be filed with the director of the county public safety department. Attached thereto shall be information as to the final disposition of the application.

Sec. 21-20.8. Conditions; revocation. (A) A license issued in accordance with the provisions of this division is subject to the following conditions, for breach of any of which the license is subject to revocation:

(1) The business shall be carried on only in the premises designated in the license.

(2) The license or a copy certified by the issuing authority shall be displayed in a conspicuous place on the premises in which the business is conducted where it can be easily read.

(3) No handgun, or imitation thereof, shall be placed in any display window of the premises.

(4) No handgun shall be delivered:

(a) Until seventy-two (72) hours after the sale has been completed, unless the purchaser is the possessor of a valid license to carry firearms issued within the state, which license to carry shall be displayed at time of sale, except where an operable firearm is traded for another operable firearm as defined in section 21-20.8 of this chapter.

(b) Unless the purchaser is either personally known to the licensee, or presents conclusive evidence of his identity, proper identification as required by Omnibus Crime Bill of 1968, said evidence to be noted on the sales record.

(c) Unless the delivery is made to the identical individual who has purchased the firearm, by proof of dealer receipt.

(d) The provisions of this section shall not apply to duly employed federal, state, county or municipal law enforcement officers.

* * * * *

Sec. 21-20.13. Sale of firearm with serial number defaced prohibited. It shall be unlawful to sell any firearm whose serial number has been altered, changed, disfigured or defaced.

Sec. 21-20.14. Sale or delivery of firearms or ammunition to certain classes of persons. It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is a habitual alcoholic, or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.

Sec. 21-20.16. Handgun purchaser's instruction and qualification procedure. (a) Instruction and qualification procedure required. It shall be unlawful for any person to acquire a handgun in Dade County from a licensed dealer, unless such person has received safety instruction and otherwise qualified * * *.

* * * * *

(e) Exceptions. This section shall not apply to:

(1) Law enforcement officers or agents of any state of the United States, or any political subdivision, municipal corporation, department or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision, municipal corporation, department or agency of either, while engaged in the discharge of their official duties.

(2) Wholesale dealers in their business intercourse with retail dealers or retail dealers in their business intercourse with other retail dealers or to wholesale or retail dealers in the regular or ordinary transportation of any un-

loaded firearms, merchandise by mail, express or other mode of shipment to points outside the country.

(3) Nonresidents of the United States having proper authorization from his or her consulate, acting consulate, commercial attache, or such other authorized representative.

(4) This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to:

(a) Sales or trades by an unlicensed person to a person licensed hereunder, nor to

(b) Isolated sales, transfers or trades between unlicensed persons who are not engaged in the fireams business or in the business of gunsmithing.

(5) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.

Sec. 21-20.17. Unlawful to sell handguns to persons who have not qualified. (a) It shall be unlawful for a licensed dealer to sell, deliver, transfer, or furnish any handgun to any person in Dade County unless the purchaser has qualified under section 21-20.16, or

(b) Unless the purchaser exhibits evidence that he is exempt from the requirements of section 21-20.16(b). Every person who is convicted for violation of this section, shall be punished as provided in section 21-20.15 of this Code.

Dania

Sec. 20-15. Misdemeanors recognized by law of Florida, forbidden. It shall be unlawful to commit within the city any act which shall be recognized by the laws of the state as a misdemeanor and the commission of such act is forbidden. Violation of any such act shall upon conviction be punished as provided by section 1-8 of this Code. (*Note: The State laws that are recognized include Chapter 790, Weapons and Firearms, Sections 790.001—790.26.*)

Davie

237-2. It shall be unlawful to sell, hire, barter, lend or give any minor under sixteen (16) years of age any gun, rifle, pistol or other arm or weapon * * * without permission of the parent of such minor or the person having charge of such minor.

De Land

21-21. Weapons—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

21-25. Same—Machine guns. It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any duly constituted and authorized law enforcement officer of the United States government, the State of Florida, or the city and any private corporation that receives clearance from the proper division of the United States Treasury Department to transport Class II weapons, which includes machine guns.

Dunedin

15-35. Same—Registration of small arms required. It shall be unlawful for any person to own, possess, carry or otherwise have control of any .22 rifle, air rifle, air pistol or other similar device, in the city, unless first the ownership thereof be registered within the city.

15-37. Change of ownership. All changes of ownership or possession shall be registered in the same manner as provided in section 15-36.

El Portal

Sec. 12-17. Weapons—Sale, etc., to minors prohibited. It shall hereafter be unlawful for any person to sell, barter, lend, give, or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age.

Sec. 12-18. Same—Approval of parent or guardian, when required. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents of such a minor or legal guardian.

Eustis

Ordinance 144

Section 13.30 Weapons.

* * * * *

(e) Sales to Intoxicated Persons and Minors. It shall be unlawful for any person to purchase from or sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

(f) Records Required. It should be unlawful for any secondhand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any weapons described in sub-sections (a) and (d) above [pistol, revolver, or other firearm, with a barrel less than 12 inches in length] to sell, rent or exchange any such weapons unless he shall keep a record of each such weapon purchased, sold, rented or exchanged at retail.

(f-1) Time of Recordation. The record required herein shall be made at the time of the transaction, in a book kept for that purpose [contact local authorities for required contents] * * *

(f-2) Report to Chief of Police. Every secondhand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any weapons described in sub-sections (a) and (d) above shall deliver daily reports to the Chief of Police of every such purchase, sale, loan or gift. The report shall be on forms provided by the Chief of Police * * *.

Fernandina Beach

Sec. 15-19. (Weapons)—Concealable on person; permit required. It shall be unlawful for any person to purchase or acquire any pistols, revolvers or firearms which may be concealed upon the person without first having obtained from the chief of police of the city a written permit therefor.

* * * * *

Sec. 15-21. (Weapons)—Registration with police. Each person who owns or has in his or her possession any pistols, revolvers or firearms which may be concealed upon the person shall immediately register the same with the chief of police of the city and obtain a written permit therefor as is required and set forth in section 15-19.

Florida City

Sec. 11-3. Sale, etc., of deadly weapons to minors prohibited.

(a) It shall be unlawful for any person to sell, barter, lend, give or deliver any pistol * * * to any minor under seventeen (17) years of age.

(b) It shall be unlawful for any person to sell, barter, lend, give or deliver any pistol * * * to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents or legal guardian of such a minor.

Fort Pierce

Sec. 19-50. Same—Permit of purchasers required. (a) It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, * * * within the corporate limits of the city, unless and

until a permit shall have first been obtained from the chief of police of the city by the person to whom such articles are to be sold or delivered.

Gainesville

18-37.1 Sale or transfer of certain firearms.

A. Sale or Transfer of Handguns Prohibited. It shall be unlawful for any person to sell or transfer, or offer or expose for sale or transfer, any "handgun" which does not meet the minimum standards provided by this Ordinance.

B. Definitions.

1. "Handgun" means any pistol, revolver, or other firearms, having a barrel not exceeding twelve (12) inches in length, measured by the insertion thereof of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

2. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

3. "Saturday Night Specials" means any handgun which shall not meet the minimum criteria so set forth in Section B-7 herein.

4. "Sale or Transfer" means any sale, transfer assignment, pledge, lease, loan, barter, or gift.

5. "Firearms Dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Gainesville whether as the principal business of such person, firm or corporation, or in addition thereto.

6. "Antique Firearms" means any firearm manufactured in or before the year 1898; and any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

7. "Minimum Standards" means any handgun with a barrel, cylinder, slide or breech block that is manufactured of a material that has a minimum melting temperature of 800 degrees Fahrenheit and a minimum ultimate tensile strength of 55,000 pounds per square inch.

8. "Licensed Firearms Collectors" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is licensed as a collector under the provisions of United States Code, Title 18, Section 923.

C. Proof of Meeting Minimum Standards. It shall be required of firearms dealers to furnish the City Manager with proof that the minimum criteria are met by the handgun to be sold prior to sale by said dealer. Proof that a handgun meets the minimum standards as defined in Section B-7 herein may be established by presenting to the City Manager one or more of the following certified writings:

1. From the manufacturer listing the handgun by model number and certifying that it meets or exceeds the minimum standards, or

2. From the manufacturer listing the handgun by model number and stating the metal code numbers from the Metals Code Handbook published by the American Society for the Testing of Materials (A.S.T.M.) for the metals used in the manufacturer of a frame, barrel, cylinder, slide, or breech block. These code numbers may then be checked in the Metals Code Handbook to determine if the handgun complies with the minimum standards.

3. By certification by a reputable, independent metals testing laboratory.

D. Exceptions.

1. This ordinance shall not apply to sales or transfers to law enforcement agencies, or sales or transfers for authorized military use.

2. This ordinance shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

3. This ordinance shall not apply to sales or transfer of "antique firearms".

4. This ordinance shall not apply to sales or transfer between "licensed firearms collectors".

Sec. 18-40. Same—Sale to minors. It shall be unlawful for any person to sell to any minor within the corporate limits of the city, a pistol, gun or other weapon shooting a cartridge.

* * * * *

Glen Ridge

Local ordinance incorporates, by reference, Florida State Criminal Code.

Greenacres

State laws adopted

* * * * *

Sec. 18-38. State Misdemeanors. No person shall commit, within the town, any act which is or shall be recognized by the laws of the state as a misdemeanor.

* * * * *

Green Cove Springs

11-8. * * *—Permit for sale. It shall be unlawful for any person to sell to any person any such pistols, revolvers, firearms which may be concealed upon the person or rifles of a caliber larger than .22 caliber without first having obtained a permit in writing from the chief of police or mayor of the city approving such sale to such person, which permit shall be kept by such person, on file for inspection by city officials for a period of one year from the date of such sale or other disposition.

11-9. * * *—Sale to minor, incompetent. No person shall sell, give, lend or otherwise place in the possession of any minor, known habitual drunkard or known incompetent any pistol, revolver, firearm which may be concealed upon the person or rifle of a caliber larger than .22 caliber.

Gretna

13-3. Sale or transfer of certain firearms. (a) It shall be unlawful for any person to sell or transfer, or offer or expose for sale or transfer, any "handgun" which does not meet the minimum standards provided by this chapter.

13-4. Definitions.

Handgun means any pistol, revolver, or other firearms, having a barrel not exceeding twelve (12) inches in length, measured by the insertion thereof of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

Firearm means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

Saturday night specials means any handgun which shall not meet the minimum criteria as set forth in this section.

Sale or transfer means any sale, transfer, assignment, pledge, lease, loan, barter or gift.

Firearms dealer means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the town whether as the principal business of such person, firm or corporation, or in addition thereto.

Antique firearms means any firearms manufactured in or before the year 1898; and

any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Minimum standards means any handgun with a barrel, cylinder, slide or breech block that is manufactured of a material that has a minimum melting temperature of eight hundred (800) degrees Fahrenheit and a minimum ultimate tensile strength of fifty-five thousand (55,000) pounds per square inch.

Licensed firearms collectors means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is licensed as a collector under the provisions of United States Code, Title 18, Section 923.

13-5(d) Exceptions.

(1) This section shall not apply to sales or transfers to law enforcement agencies, or sales or transfers for authorized military use.

(2) This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

(3) This section shall not apply to sales or transfer of "antique firearms."

(4) This section shall not apply to sales or transfer between "licensed firearms collectors."

13-7. Sale to minors.

(a) It shall be unlawful for any person to sell to any minor within the corporate limits of the town, a pistol, gun or other weapon shooting a cartridge.

(b) For the purposes of this section, a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

Hallandale

Sec. 11A-1. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Firearm. Any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, but the word "firearm" shall not be construed to mean guns that do not use self-contained cartridges.

Sale. Includes transfer, assignment, pledge, lease, loan, barter or gift.

Sec. 11A-2. License to sell—Required. (a) It shall be unlawful for any person who, without being licensed as provided in this chapter, to engage in the business of selling or otherwise transferring any firearm, or to advertise for sale, or offer or expose for sale or transfer any firearm defined in section 11A-1, or to engage in the business of repairing firearms or in the business of gunsmithing. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.

Sec. 11A-3. Same—By whom granted. The city commission may grant licenses in the form prescribed by the city commission permitting the licensee to sell such firearms within the city on the premises named therein.

Sec. 11A-7. Same—Conditions. (4) No firearm shall be delivered:

(a) Until twenty-four hours after the sale has been completed, unless the purchaser is the possessor of a valid license to carry firearms issued within this state, which license to carry shall be displayed at time of sale, except where an operable firearm is traded for another operable firearm as defined in section 11A-1.

(b) Unless the purchaser is either personally known to the licensee, or presents conclusive evidence of his identity such evidence to be noted on the sales record.

(c) Unless the delivery is made to the identical individual who has purchased the firearm.

(d) The provisions of this section shall not apply to duly employed federal, state, county or municipal law enforcement officers.

Sec. 11A-11. Sales to certain persons prohibited. It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is an habitual alcoholic, or is of unsound mind, or has been convicted of a felony, or is a fugitive from justice, or is a member of a subversive organization.

Haverhill

Sec. 6-1. Permit for purchase or sale or gift of certain weapons—Required. It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand fire-arms * * * or other similar equipment used primarily by police officers, within the corporate limits of the Town of Haverhill, Florida, unless and until a permit shall have first been obtained from the Town Marshal of the town by the person to whom such article is to be sold or delivered.

Sec. 6-10. Permit for sale, possession, etc. of tear gas—Required. Before any person shall possess, purchase, sell, distribute or dispose of any tear gas or tear gas weapons within the Town, such person shall apply to the Town Marshal of the Town for a permit so to do.

Hialeah

21-31. * * *—Weapons, unlawful to distribute to. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol * * * or other deadly weapon to any minor under seventeen years of age; or to sell, barter, lend, give or deliver any pistol * * * or other deadly weapon to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents of such a minor, or the legal guardian of such minor.

* * * * *

21-42. Same—Sales to minors under eighteen. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone under the age of eighteen years.

21-44. Same—Blank cartridges and pistols. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city.

Hollywood

Sec. 19-43. Firearms and ammunition—Defined.

Ammunition. All pistol or revolver ammunition, shotgun shells, metallic ammunition suitable for uses in rifles or any .22 caliber rimfire ammunition. No distinction shall be recognized between new and reloaded ammunition.

Firearms. Any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive.

Firearms and ammunition dealers licenses. Any person engaged in the business of selling new or used firearms or ammunition or cartridge cases, primers, bullets or propellant powder, at wholesale or retail, and shall include pawnbrokers, or any person engaged in the business of repairing such firearms or manufacturing or fitting special barrels, stocks, trigger mechanisms or breach mechanisms to firearms.

(a) All firearms and ammunition dealers shall obtain a firearms and ammunition dealer's license; * * *.

(b) All applications for a dealer's license shall be approved by the chief of police * * *.

(c) All persons associated with such dealer shall be required to have a police I.D. card.

Homestead

Sec. 24-8. Sale of firearms to. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone in the city under the age of eighteen years.

Sec. 29-7. Blank cartridges. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city.

Sec. 29-32. * * * (Firearms)—Information required of purchaser. Any person desiring to purchase or receive delivery of a revolver or other firearm of any description shall hereby be required to first give to the seller or to the person from whom delivery shall be obtained, in writing, a duplicate statement containing the true and correct information concerning his name, occupation, residence and last prior residence before coming to the city.

Sec. 29-33. Same—Sale, etc.—Statement of purchaser prerequisite. No person shall sell, barter, exchange or deliver, or cause to be delivered, any revolver or other firearm of any description to any person, without having previously obtained in writing from the person seeking actual delivery of such firearm a statement of his true name, occupation, residence and last previous residence before coming to the city.

Sec. 29-34. Same—Same—Record to be kept. No gun, revolver, pistol, cannon or firearm of any description shall be sold, unless a record of the name and address of the person to whom such weapon is sold shall be kept in a separate book by the selling agent, together with a record of the manufacturer's number or other marks by which such weapon may be identified.

Sec. 29-105. Weapons—Carrying concealed. It shall be unlawful for any person in the city, except an officer of the law authorized to make arrests, to carry concealed about his person any pistol * * * or any other deadly weapon * * * or to carry any fountain pen or other device or instrument designed to discharge, or for the purpose of discharging, tear gas or other injurious gas.

Sec. 29-107. Same—Sale to intoxicated persons, etc. No person in the city shall sell, loan or furnish a weapon described in section 26-105, or other weapon in which an explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation or excitability.

Jacksonville

328.101 Certificate from Sheriff Required for License to Deal in Certain Firearms. No office of the City shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the Sheriff a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *

328.102 Registry of Certain Firearms Sold. * * * Each person to whom any pistol, revolver or firearm which may be concealed upon the person is sold or otherwise disposed of by a dealer, shall first file a written and signed statement showing his correct name and address, and such information shall be promptly entered in such registry or book, together with a description of a kind, make, number and the name of the manufacturer of such weapon. * * *

328.202 Allowing Minors or Habitual Drunkards to Obtain Firearms. It shall be unlawful and a class D offense against the City for any person to sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

328.205 Possession of Short-barreled Shotgun, Short-barreled Rifle or Machine Gun Prohibited. It shall be unlawful and a Class C offense against the City for any person to own or possess any short-barreled shotgun, short-barreled rifle or machine gun which is, or may readily be made operable. A "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches. A "Shortbarreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches. A "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manually reloading, by a single function of the trigger, but this section shall not apply to antique firearms; "Antique firearms" being defined as any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Section 2. Exceptions. Firearms in violation hereof which are lawfully owned or possessed under provisions of federal law are excepted.

Jacksonville Beach

Sec. 16-11. Same—Registry of firearms sold; information to be registered; weekly report to police of sales; permit for each sale. Every person selling pistols, revolvers or firearms which may be concealed upon the person, shall keep a registry or record of such sales in a book, * * *

It shall be unlawful for any person to sell or otherwise dispose of any of the weapons, hereinabove mentioned, without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapon without first having obtained a permit in writing from the chief of police or city manager approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

Sec. 16-13. Same—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard any pistol, revolver or other weapon which may be concealed on the person.

Key Colony Beach

Ordinance 44

* * * it shall be unlawful to commit, within the limits of the city, any act relative to the ownership, use, possession and display of weapons or firearms, which is, or shall be made unlawful, or an offense against the state, by Sections 790.01 to 790.24, both inclusive, of the Florida Statutes.

Lantana

16-25. Same—Sale prohibited without permit. No dealer or vendor in firearms, shall sell, hire, barter, lend or give to any oth-

er person any pistol, gun or other firearm, except upon written permit of the chief of police, provided that nothing in this section shall prevent the sale, hire, barter, loan or gift of any such weapon to any duly authorized law enforcement officer of the United States, State of Florida, or any political subdivision thereof, for such officer's use in the discharge of his duties.

Longwood

* * * * *

Section 57. Weapons; Placing in Possession of Minor, Habitual Drunkard, et cetera. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver, or any other dangerous weapon.

Mangonia Park

Sec. 17-45. Delivering possession of dangerous weapon to minor. Whoever sells, hires, barters, lends, or gives any minor under sixteen (16) years of age any pistol, * * * or other arm or weapon, other than * * * a gun or rifle used for hunting, without the permissions of the parent of such minor or sells, hires, barters, lends, or gives, to any person of unsound mind any dangerous weapon, * * * shall be punished by imprisonment not exceeding ninety (90) days, and/or by fine not exceeding five hundred dollars ($500.00).

Medley

(The city has adopted the State of Florida and Dade County laws and ordinances pertaining to firearms.)

Miami

61-1. Sale of firearms generally.

(a) **"Firearm" defined.** The word "firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; * * *

(b) **Firearm registration.** No person, firm, corporation or other legal entity, may acquire, own or possess any firearm within the city unless such firearm has been registered by the owner in accordance with this section or by the dealer selling, renting or leasing firearms with the city police department upon forms furnished by such department. * * *

(c) **Exemptions.** The provisions of this section shall not apply to the following:

1. United States marshals, while engaged in the operation of their official duties;

2. Members of the armed forces of the United States or the National Guard, while engaged in the operation of their official duties;

3. Federal officials required to carry firearms, while engaged in the operation of their official duties;

4. Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

5. Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other places such persons must have their firearms unloaded and enclosed in a case;* * * * *

9. Nonresidents, who are currently licensed or registered to possess firearms in their resident state;* * * * *

11. Any person who has registered the firearm in his possession with a municipality within the county which requires registration of such firearms;

12. Any person holding a current license to deal in firearms with the county or any other municipality located within the county.

(d) **Sale to minors restricted.** It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one unless accompanied by a parent or guardian, in which event both the minor and the parent or guardian shall be required to fill out the application form as provided in paragraph (b).

(e) **Sale to felons prohibited.** It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person convicted of a felony.

(f) **Sale to users of narcotics prohibited.** It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person addicted to the use of narcotics or users of drugs, stimulants or depressants.

(g) **Sale to persons under the influence of intoxicating beverages.** It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person under the influence of intoxicating beverages.

61-2. Delivery of firearms.

(a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving or delivering the firearm, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm, and also description of the firearm (make, model, barrel length, caliber, type, finish) to the chief of police by first class mail, not later than twenty-four hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of a firearm may be made after a twenty-four hour waiting period only under the circumstances and to those persons listed below:

1. Applicant must furnish any United States of America, state, county or municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of such I.D. card. The above shall be issued in the name of the purchaser and signed by him, and shall be on an approved list promulgated by the chief of police.

2. The applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two hour or twenty-four hour waiting period required:

1. Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

2. Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two hour or twenty-four hour waiting period, as set forth in the foregoing provisions, the following information shall be imprinted on the application:

a. The issuing agency or authority.

b. The card number.

c. The name and address identical to that on the card.

3. Persons who are on record with the police department as having previously purchased a pistol, revolver or firearm as defined in section 61-1(a).

4. Persons trading an operable pistol, revolver or firearm, as defined in section 61-1(a), for another similar operable pistol, revolver or firearm.

(d) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged by a duly recognized nonprofit state or national organization.

61-3. Sale of weapons, firearms, tear gas pens, etc., to minors. (a) It shall be unlawful for any person to sell, offer for sale, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of dis-

charging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor under seventeen years of age.

(b) It shall be unlawful for any person to sell, offer to sell, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, * * * or other deadly weapon, to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents or the legal guardian of such minor.

61-5. Sale, etc., of firearms to intoxicated, etc., persons. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulate or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

61-10. * * * (Fountain pens or devices for discharge of injurious gas)—Permit to sell, etc.—Required. No person shall sell, offer for sale or cause to be sold or distributed any fountain pen, device or other instrument designed to discharge, or for the purpose of discharging, tear gas or other injurious gas within the city without a permit to do so issued by the city manager.

Miami Beach

Sec. 25-104. * * * Firearms—Sale generally.

(a) Firearms defined. The word "firearm" as used in this section and the following sections shall be construed to mean any revolver, pistol, automatic pistol, shotgun, rifle, machine gun, submachine gun, machine pistol, or any fully automatic weapon capable of firing more than one shot at each pull of the trigger, or any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, or any firearm muffler or any firearm silencer, or any part or parts of such firearms. This section and the following sections shall not apply to any automatic weapon with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique or replicas of cartridge pistols, or rifles using ammunition which is no longer manufactured or commonly sold, or to stud guns used as tools by tradesmen.

(b) Application. Any person desiring to purchase or receive delivery of a revolver or other firearm shall be required to give the seller or the person from whom delivery shall be obtained, whether by purchase or gift, in writing, on a form to be supplied by the chief of police, a duplicate statement containing true and correct information which shall be signed by the applicant and shall include the following: * * *

Sec. 25-105. * * * (Firearms)—Unlawful to sell to person without police approval. It shall be unlawful for any dealer or person licensed to sell firearms, to sell, lend, lease, give or deliver any firearm to any person unless such person first presents to the dealer or vendor an application approved by the chief of police in the manner set forth in the preceding section.

Sec. 25-110. * * * (Firearms)—Waiting period between time of sale and delivery. No firearm shall be delivered to any person until seventy-two hours after the sale of any firearm.

Sec. 25-112. * * * (Firearms)—Persons to whom sale is unlawful. It shall be unlawful for any person knowingly and willfully to sell, lease, lend, give or deliver any firearm to any person under the age of twenty-one; or to any person convicted of a felony, or to any person addicted to the use of narcotics, or to users of drugs, stimulants or depressants, or to any person of unsound mind, or to any person under the influence of intoxicating beverages, or to any person who has been released from a mental institution within the past five years.

Sec. 25-112.2. * * * (Firearms)—Exemptions from section 25-110. The following shall be exempt from the seventy-two hour waiting period required:

(a) Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers in the regular or ordinary transportation of unloaded firearms.

(b) Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two hour waiting period as set forth in the foregoing provisions, the following information shall be imprinted on the application:

(1) The issuing agency or authority.

(2) The card number.

(3) The name and address identical to that on the card.

(c) Persons who are on record with the police department as having previously purchased a pistol, revolver or firearm as defined in section 25.104.

Sec. 25-115. * * * (Firearms)—Dealer's license. No person shall engage in the business of selling firearms unless a license shall have been procured from the city council as herein provided, and it shall be unlawful for any person to engage in the business of selling firearms without first procuring such license from the city council. * * *

* * * * *

Mount Dora

14-35. Minors prohibited from buying firearms, ammunition, explosives. It shall be unlawful for any person under eighteen (18) years of age to purchase firearms, * * * or ammunition of any and all types including 22-caliber ammunition, or any other explosives, from any merchant, business house or vendor in the city.

14-36. Merchant prohibited from selling firearms, ammunition, explosives to minors. It shall be unlawful for any merchant, business house or vendor, or any person, firm or corporation to sell to any person under eighteen (18) years of age any firearms, "BB" pellets, or ammunition of any and all types, including 22 caliber ammunition, or any other explosives, within the city.

Neptune Beach

Sec. 16-69. Weapons—Certificate from city council prerequisite to license to deal in. No officer of the city shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the city council a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *

Sec. 16-70. Same—Registry of firearms sold; information to be registered; weekly report to city marshal of sales; permit for each sale. Every person selling pistols, revolvers or firearms which may be concealed upon the person, shall keep a registry * * *

It shall be unlawful for any person to sell or otherwise dispose of any of the weapons, hereinabove mentioned, without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapons without first having obtained a permit in writing from the city marshal or city council approving such sale to the person.

North Miami

Sec. 10-75. Manufacture, storage, sale, etc., small arms ammunition. No person shall manufacture within the limits of the city any small arms ammunition. This shall not be construed as prohibiting the hand-loading of

small arms ammunition for private use and not for resale.

No person shall store for sale, sell or offer for sale any small arms ammunition without a permit.

North Palm Beach

24-74(3) Sales to intoxicated persons and minors. No pawnbroker, second-hand dealer or other person engaged in business in the Village shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Ocala

Sec. 15-96. (Weapons)—Sale to intoxicated persons or minors. It shall be unlawful for any person to purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years.

Opa-Locka

Sec. 18-13. Registration certificate required for sale, exchange, delivery, etc. No person shall sell, barter, exchange or deliver, or cause to be delivered, any revolver, gun, rifle or other firearm to any other person without having previously obtained the registration certificate, described in section 18-12, from the person seeking actual delivery of such firearm * * *

Palm Beach Gardens

17-10. Concealed weapons; selling weapons; possession of weapons.

* * * * *

(g) Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years, or to any known convicted felon who has not had his civil rights restored according to law.

* * * * *

Pasco County

Sec. 8 1/2-1. Definitions. As used in this chapter; "Pistol" means any small firearm, loaded or unloaded, made after 1920, with a barrel of three (3) inches or less, fired by hand. The term shall include all firearms having one or more barrels, such as revolvers, automatics, derringers and the like, capable of discharging loaded ammunition, and having a frame or receiver with a melting point of 850 degrees F. or less.

Sec. 8 1/2-2. Seventy-two hour waiting period required.—No sale or delivery or exchange of any pistol or revolver shall be made to a purchaser until the expiration of seventy-two (72) hours from the time that an initial offer to purchase said pistol or revolver is made by the purchaser to the seller.

* * * * *

Pinellas County

Ordinance 74-1

Section 1. Definitions. (a) Firearm as used in this division shall be construed to mean any firearm, weapon, revolver, pistol, auto-loading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile or gas through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, and originally designed or altered to be used by one hand and having a barrel length of less than 16 inches, and an overall length of less than 26 1/2 inches, but the word firearm shall not be construed to mean guns that do not use self contained cartridges.

(b) Saturday Night Special shall mean any firearm which is 32 caliber or smaller, whose barrel is less than 3 inches, except those whose frame is an investment cast or forged steel, or investment cast or forged high tensile alloy.

(c) Sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

Section 2. Prohibition. It shall be unlawful for any person to sell or otherwise transfer any Saturday Night Special as defined hereinabove or offer or expose for sale or transfer any such Saturday Night Special.

Section 3. Exception. The sale of Saturday Night Specials to law enforcement agencies or for authorized military use shall not be subject to the limitations herein set forth.

Ordinance 74-7

Section 1. Definitions. (a) The word Firearm as used in this Ordinance shall be construed to mean any firearm, weapon, revolver, pistol, auto-loading pistol, rifle, modified rifle, shotgun, or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive. The word firearm shall not be construed to mean guns that do not use self-contained cartridges

(b) The word Sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

Section 2. Prohibition. It shall be unlawful for any person to transfer any firearm within a 72-hour period following the sale of the firearm.

Section 3. Exceptions. (a) This Ordinance shall not apply to wholesale dealers in their business dealings with retail dealers nor to retail dealers in their business dealings with other retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express, or other mode of shipment to points outside the County, nor to sales or transfer of firearms that do not use a self-contained cartridge.

(b) This Ordinance shall not apply to duly employed federal, state, county, or municipal law enforcement officers.

Pinellas Park

13-16 (67). Guns, dealers in revolvers, pistols, ammunition, etc. Approval of city manager with the recommendation of police department as well as separate license in addition to other retail merchant's license required.

Pompano Beach

Sec. 31.16. Firearms, discharging; sale of ammunition. * * * * * (b) It shall be unlawful for any person to sell, barter or give to any other person under the age of sixteen (16) years in the city, ammunition for a firearm, * * * provided, however, that this ordinance shall not apply to parents or guardians giving such ammunition to their own children, in case of a parent, or to the children over whom they may have lawful custody and control, in the case of a guardian.

Quincy

35-1. License to sell—Required. No person shall, within the corporate limits of the city: (a) Engage in the sale of pistols, machine guns or submachine guns, or (b) Operate or manage any business where pistols, machine guns or submachine guns are sold, without first procuring a license for the sale of same as provided herein.

35-9. Licensee may not sell outside place of business. No licensee shall make sale of, or sell, any pistols, machine guns or submachine guns outside of the place of business licensed hereunder.

35-12. Registration of pistols, machine guns and submachine guns required. No person shall, within the corporate limits of the city:

(a) Owners or possessors. Own or possess, or have in his possession, custody or control, a pistol, machine gun or submachine gun, without first having registered the same with the chief of police.

* * *

Riviera Beach

13-36. Sale of weapons to minors prohibited. It shall be unlawful for any dealer in arms, guns, rifles or other weapons to sell to minors any pistol, rifle, repeating rifle, tear gas gun, flair gun, * * * or any other type of dangerous weapon.

St. Petersburg

20.76. Sale to minors. It shall be unlawful for any person within the city to sell to any person under twenty-one (21) years of age a pistol, gun or other weapon shooting a cartridge.

For the purposes of this section a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

20.77. Registration of hand gun sales. (a) Each retail dealer who deals in and sells pistols, revolvers, or any other weapon which is generally described and referred to as a "hand gun" shall require a purchaser thereof to register his name, age and place of residence in a book the dealer shall keep for that purpose. * * *

(b) It shall be unlawful for any dealer of weapons subject to subsection (a) or any agent or employee thereof to fail or refuse to comply with the provisions of subsection (a).

(c) It shall be unlawful for any person purchasing a weapon subject to subsection (a) to give a false name, age or place of residence as required by subsection (a).

(d) This section shall not be applicable to the sale of any bona fide antique weapon that is incapable of being fired.

Sebastian

Sec. 17-1. Adoption of state laws constituting a misdemeanor. It shall be unlawful to commit, within the limits of the City of Sebastian, any act which is or shall be recognized by the laws of the State of Florida as a misdemeanor; and the commission of such acts is hereby forbidden.

South Miami

15-25. Firearms-Notice of intent to purchase. It shall be unlawful for any person to purchase or receive delivery of a revolver, rifle, or firearm of any description in the city without first filing a notice of such intention with the desk officer at the police station, in the city. * * *

15-26. Same—Selling or receiving without certificate. It shall be unlawful to sell, barter, exchange or deliver, or cause to be bought, sold, bartered or exchanged or delivered, any revolver, gun, rifle or other firearm to any person in the city without having previously obtained a registration certificate * * *, from the person seeking actual delivery of such firearm, * * *.

Sec. 15-27. Same—Blank cartridge and pistols; sale of guns, etc., to minors. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone in the city under the age of eighteen years.

Starke

8-19. (Weapons)—Registry of firearms sold; * * * permit for each sale. * * * It shall be unlawful for any person to sell or otherwise dispose of (weapons) * * * without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapon without first having obtained a permit in writing from the Chief of Police or Mayor approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

* * * * *

8-21. Same—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

* * * * *

8-25. Same—Machine guns. It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any duly constituted and authorized law-enforcement officer of the United States government, the State of Florida, or the city.

Surfside

* * * * *

Sec. 13-43. (Weapons) Receiver of firearms to furnish certain information in writing. Any person in the town desiring to purchase or receive delivery of a revolver or other firearm of any description shall be and hereby is required first to give to the seller or to the person from whom delivery shall be obtained, in writing, a duplicate statement containing true and correct information concerning his name, occupation, residence and last prior residence before coming to the town.

Sec. 13-44. Same—Seller of firearms to obtain designated information in writing. It shall be unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered any revolver, gun, or other firearm to any other person, without having previously obtained, in writing, from the person seeking actual delivery of such firearm, a statement of his true name, occupation, residence, and the last previous residence before coming to the town.

* * * * *

Sec. 13-46. Same—Report to police of possession. Any person having in his possession, actually or constructively, any revolver, gun or other firearm of any description, within the town, shall file with the police department a certificate or statement in writing giving his true name, occupation, residence, and a full and complete description of such revolver, gun or other firearm in his possession.

Tallahassee

3. It shall be unlawful for any person, firm or corporation within the City of Tallahassee to sell, give, lend or otherwise place in the possession of any minor any pistol, revolver or other firearm which may be concealed on the person.

Tampa

Sec. 24-112. Blank cartridge pistols, tear gas pistols and ammunition—Sale, possession, etc. No person shall sell, offer for sale, give or have in his possession within the corporate limits of the city any blank cartridge pistol or other like device made exclusively for the purpose of firing or discharging any blank cartridge; providing, however, that this section shall not apply to the sale, possession

or discharge of any pistol or other like device designed to use .22 caliber crimped blanks and/or .22 caliber tear gas cartridges.

Sec. 24-113. Same—Selling or giving to minors. No person shall sell or give away to any minor within the corporate limits of the city any blank cartridges or other like ammunition.

Sec. 24-114. Firearms—Machine guns, "sawed-off" shotguns and rifles prohibited. It shall be unlawful for any person to have in his possession within the corporate limits of the city any machine gun, or shotgun or rifle having a barrel of less than twenty (20) inches in length, or any firearm equipped with a silencer, or any other firearm, which is capable of being concealed on the person. This section shall not apply to a pistol, revolver, or blank or tear gas gun authorized by this chapter.

This section shall not be applicable to regular law enforcement officers who are permanently employed and devote their full time as federal, state, county or municipal law enforcement officers.

* * * * *

Sec. 24-116. Molotov cocktails, firebombs, etc. It shall be unlawful for any person to make, carry, possess or use any type of "Molotov cocktail", gasoline or petroleum base firebomb, or any other incendiary missile or any explosive bomb, device or missile unless the same is otherwise permitted as a lawful act pursuant to the laws and ordinances of this city.

Titusville

Sec. 15-9.1. Firearms—Sales to children under sixteen. The sale for any purpose whatsoever of any * * * 22-caliber rifle or any firearms or of any BB's, pellets or ammunition for use therein to any child under the age of sixteen (16) shall be unlawful.

Sec. 15-9.2. Same—Relinquishment of possession to child under sixteen. The relinquishment of possession of any * * * 22-caliber rifle or any other firearm or any * * * ammunition for use therein to any child under the age of sixteen (16) by one who is in possession of said weapon and/or ammunition or by anyone who is the lawful owner of said weapon and/or ammunition shall be unlawful.

* * * * *

Virginia Gardens

Sec. 12-9. Weapons—Sale, etc., to minors. No person shall sell, barter, lend, give or deliver any pistol, dirk or other deadly weapon to any minor under seventeen years of age.

No person shall sell, barter, lend, give or deliver any pistol, dirk or other deadly weapon to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents of such a minor or his legal guardian.

* * * * *

West Miami

14-16. Minors—sale of weapons to. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, * * * or other deadly weapon to any minor under seventeen (17) years of age. It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, * * * or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents, or legal guardian of such a minor.

West Palm Beach

51.1. Permit for purchase, sale, etc.—Required. It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, * * * or other similar equipment used primarily by police officers, within the city, unless and until a permit shall have first been obtained from the chief of police by the person to whom such article is to be sold or delivered.

Winter Springs

Sec. 9-77. Placing in Possession of Minors, Habitual Drunkards. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or any other dangerous weapon.

Georgia

State Law

Code of Ga. Ann.

26-1405 Criminal possession of an incendiary (a) A person commits criminal possession of an incendiary when he possesses, manufactures, sells, offers for sale, gives away, or transports a fire bomb or molotov cocktail.

(b) The terms "fire bomb" and "molotov cocktail" mean any device, by whatever name called, made of a breakable container containing a flammable liquid or compound with a flash point of 150 degrees Fahrenheit or less which has a wick or any similar material, which, when ignited, is capable of igniting such flammable liquid or compound when such device is thrown or dropped. These terms do not include a device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving or other hazards on streets, roads, highways and or other hazards on streets, roads, highways and bridges.

(c) Subsection (a) does not apply to a device coming within the definition of subsection (b) when it is in the use, possession or control of a member of the armed forces of the United States or a fireman or a law enforcement officer when acting in his official capacity or otherwise under proper authority.

(d) A person convicted of criminal possession of an incendiary shall be punished by imprisonment for not less than one nor more than three years, or by a fine not exceeding $1,000 or by both.

26-2905 Furnishing weapons to minors. A person commits a misdemeanor when he knowingly sells to or furnishes to a person under the age of 21 years a pistol, * * *

26-2906 Machine guns; sale, etc., illegal. A person commits a felony when he sells, manufactures, purchases, possesses, or carries a machine gun and upon conviction shall be punished by imprisonment for not less than one nor more than five years. A machine gun is any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device. This section shall not apply to or affect the manufacture, for, or the transportation, or sale of machine guns to persons exempted under section 26-2907, provided said machine guns are broken down in a non-functioning state or are not immediately accessible.

26-2907 Exemptions. Sections 26-2901, 26-2902, 26-2903, and 26-2906 shall not apply to or affect any of the following persons while engaged in pursuit of official duty or when authorized by Federal or State law, regulation or order: (1) peace officers; (2) wardens, superintendents, and keepers of prisons, penitentiaries, jails, or other institutions for the detention of persons accused or convicted of an offense; (3) persons in the military service of the State or of the United States; (4) persons employed in fulfilling defense contracts with the Government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract; and (5) district

attorneys, investigators employed by and assigned to a district attorney's office, and assistant district attorneys.

A prosecution based upon a violation of sections 26-2901, 26-2902, 26-2903, or 26-2906 need not negative any exemptions.

26-9910a Georgia Firearms and Weapons Act; short title. This law [Secs. 26-9910a through 26-9916a] shall be known and may be cited as the "Georgia Firearms and Weapons Act."

26-9911a Same; possession of certain types of firearms, dangerous weapons and silencers prohibited. No person shall have in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, except as provided in section 26-9914a.

26-9912a Same; punishment. A person commits an unlawful possession of firearms or weapons when he knowingly has in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer, as defined in this law [Secs. 26-9910a through 26-9916a], and upon conviction for such he shall be punished by imprisonment for not less than one nor more than five years.

26-9913a Same; definitions. (a) (1) The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(2) The term "sawed-off shotgun" means a shotgun or any weapon made from a shotgun (whether by alteration, modification, or otherwise) having one or more barrels less than 18 inches in length or if such weapon as modified has an overall length of less than 26 inches.

(b) The term "sawed-off rifle," as used in this law, shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and which has a barrel (or barrels) of less than 16 inches in length (or has an over-all length of less than 26 inches).

(c) The term "machine gun," as used in this law, means any weapon which shoots, or is designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger.

(d) The term "dangerous weapon," as used in this law, shall mean any weapon commonly known as a "rocket launcher," "bazooka" or "recoiless rifle," which fires explosive or nonexplosive rockets designed to injure or kill personnel or destroy heavy armor or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires explosives from a metallic cylinder, and which is commonly used by the armed forces as an anti-personnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.

(e) The term "person," when used in this law, shall include any individual, partnership, company, association or corporation.

(f) The term "silencer," when used in this law, shall mean any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or other device from which a shot, bullet or projectile may be discharged by an explosive.

26-9914a Same; exceptions to provisions of law. The provisions of this law [Secs. 26-9910a through 26-9916a] shall not apply to:

(a) A peace officer of any duly authorized police agency of this State or of any political subdivision thereof, or a law enforcement officer of any department or agency of the United States, who is regularly employed and paid by the United States, this State or any such political subdivision, or an employee of the Board of Corrections of this State who is authorized in writing by the director thereof to transfer or possess such firearms while in the official performance of his duties.

(b) A member of the National Guard or of the armed forces of the United States, to-wit: the Army, Navy, Marine Corps, Air Force or Coast Guard, who, while serving therein, possesses such firearm in the line of duty.

(c) Any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which has been modified or changed to the extent that it is inoperative. Examples of the requisite modification include: weapons with their barrel or barrels filled with lead or hand grenades filled with sand or other nonexplosive materials.

(d) Each sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which is possessed by a person who is authorized to possess the same because he has registered the sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer in accordance with the dictates of the National Firearms Act, approved August 16, 1964, 68A Stat. 725 (26 U. S. C. 5841-5862).

92A-901. License for dealers. —Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who shall sell, dispose of, or offer for sale, or cause or permit to be sold, disposed of or offered for sale any caliber pistol, revolver or short barreled firearm of less than 15 inches in length, whether the same shall be their own property or whether they shall sell the same as agents or employees of others, shall obtain from the Department of Public Safety a license permitting the sale of said caliber pistols and guns. Nothing in this Chapter shall apply to or prohibit the casual sales of the articles referred to between individuals or bona fide gun collectors.

92A-1601. Purchase by Georgia residents in contiguous States. —Residents of the State of Georgia may purchase rifles and shotguns in any State contiguous to the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which the purchase is made.

92A-1602. Purchase in State by residents of contiguous States. Residents of any State contiguous to the State of Georgia may purchase rifles and shotguns in the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which such persons reside.

Adel

Sec. 14-8. Firearms; * * * (c) Regulation of the sale and purchase of firearms and registration of firearms and other purposes:

(1) It shall be unlawful for any person or corporation to sell any firearms defined as rifle, pistol, shot gun or tear gas to any person who has not yet attained the age of twenty-one (21) years.

(2) It shall be unlawful for any person or corporation to sell any firearms defined as rifle, pistol, shot gun or tear gas within the City of Adel, Georgia, to any person, unless such seller shall verify from the police department of the City of Adel, or from the office of the sheriff of Cook County, Georgia, that such proposed purchaser is a person of good character, and has never been convicted of a felony insofar as is revealed by the records of such office.

(3) Any such firearm as hereinbefore defined purchased from any licensed dealer or individual must be registered with the county sheriff's office, as to make, serial number and from whom it was purchased. Copy of same is to be furnished immediately upon purchase by seller. It shall be the responsibility of the dealer or person selling such firearm to inform and furnish such information to the purchaser, and to notify the sheriff's office of the transaction.

Americus

Section 15-29. Every person desiring to purchase or otherwise acquire in the City of Americus a pistol, revolver, or other type hand gun, shall sign in duplicate and deliver to

the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type hand gun, [contact local authorities for required contents] * * *.

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of the City of Americus.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

No person shall, within the City of Americus, deliver or otherwise dispose of a pistol, revolver or other type hand gun, until 72 hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of the City of Americus. Provided however, this 72 hour waiting period may be waived by the Chief of Police of the City of Americus in his sole discretion upon good cause therefor being shown.

No person within the City of Americus shall sell or otherwise dispose of a pistol, revolver, or other type hand gun to any person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 18 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the 72 hour waiting period required by this section, the Chief of Police of Americus or any person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type hand gun, that the applicant is not a fit and proper person to possess the weapon, * * * such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

* * * * *

This section shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind and to antique weapons manufactured in or before the year 1898 which are to be used only for display or decoration purposes.

This ordinance shall not be construed to apply to bona fide gun collectors who have registered and obtained a permit from the Chief of Police of the City of Americus as a bona fide gun collector. The application for a permit as a bona fide gun collector shall be submitted in writing to the Chief of Police of the City of Americus [contact local authorities for required contents] * * *.

Atlanta

Sec. 17-4001 Definition of "pistol." A "pistol", for the purpose of this chapter, is any small firearm fired by hand, capable of being concealed upon the person or being strapped around some portion of the body. The term shall include all small firearms having one or more barrels, such as revolvers, automatics, derringers and the like, discharging ball or similar ammunition and usually called pistols.

Sec. 17-4002 License to deal in pistols required; prerequisite to issuance. No license shall be issued to dealers in pistols, wholesale or retail, until the party applying for such license shall have received a special permit from the council to deal in pistols.

Sec. 17-4003. Application for dealer's license; information to be shown. Any person desiring a license to deal in pistols, under the provisions of the preceding section, shall first apply to the council, * * *.

Sec. 17-4011 Registration required by aliens possessing firearms. Every foreign-born alien living within or coming into the city, having or gaining possession of any firearms, such as pistols, rifles, shotguns, machine guns or any other such instruments of any kind and character, shall register same with the director of the bureau of police services, referred to in this chapter as the "director," giving such information as may be required by the mayor or those working under his orders. Aliens coming into the city and bearing or possessing any of the firearms described herein shall register same within 24 hours after arrival within the city.

Sec. 17-4012 Disposition; permit required. After any firearm, as is described in section 17-4011, has been registered with the director, no person shall dispose of same without a permit from the director.

Sec. 17-4013 Application for permit to dispose of firearm. The application for the permit required by the preceding section shall give such information as may be required by the mayor or his designee.

Sec. 17-4014 Notice of purchase, possession to be given to mayor or his designee. No person shall purchase or come into possession of firearms from any alien without notifying the chief of police of his intention a reasonable time in advance and securing permission from such officer to obtain possession of same.

Sec. 17-4021 Definitions. As used in this chapter unless the context otherwise requires, terms shall have the meanings ascribed as follows:

Dealer means any person regularly engaged in the business of selling firearms as defined herein.

Firearms means any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification means any driver's license, birth certificate, U. S. military identification card, baptismal or christening certificate, employee's identification card provided same shows age and home address of employee and U. S. passport.

Person includes an individual, partnership, association or corporation.

Sec. 17-4022 Identification of purchaser. No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearm unless the person obtaining the firearm shall furnish identification to the dealer setting forth his name, present address and age.* * *

Sec. 17-4024 Fingerprint record to be maintained. (a) In addition to the other records and information as called for above, each dealer shall obtain from each person purchasing any firearm the fingerprint of the right hand index finger, unless that finger is missing in which event the print of the next finger in existence on the right hand of the person purchasing the firearm shall be obtained, with a notation as to the exact finger printed. In the event the purchaser has no right hand, the dealer shall require the fingerprint of the left hand index finger, unless that finger is missing, in which event the print of the next finger in existence on the left hand of the person purchasing the firearm shall be obtained, with a notation as to the exact finger printed. Fingerprints and the information as required herein shall be obtained from all persons each time that person purchases any firearm regardless of whether or not that person may have previously purchased a firearm from the dealer and been fingerprinted.

* * *

Augusta

14-8. Ammunition—Sale, etc., to minors. It shall be unlawful for any person to sell or furnish a minor with pistol ammunition or to sell or furnish a minor seventeen years of age and under with any other kind of ammunition, including rifle and shotgun ammunition * * *.

Chatham County

Every person desiring to purchase or otherwise acquire a pistol, revolver, or other type handgun in Chatham County, Georgia, outside the boundaries of any incorporated municipality therein, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun [contact local authorities for required contents] * * *.

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of Chatham County. It shall be unlawful to give false in-

formation or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein. No person shall, within Chatham County, outside the boundaries of any municipality therein, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of Chatham County.

No person within Chatham County, outside the corporate boundaries of any municipality therein, shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hours waiting period required by this ordinance, the Chief of Police of Chatham County or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, * * * such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon * * *.

This Ordinance shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind, or antique souvenir weapons used only for display or decoration purposes.

Columbus

14-64. Same—Notice; investigation; approval; waiting period. No person doing business in the city or its police district shall sell or deliver any pistol or pistol cartridges until all of the following regulations have been complied with strictly:

Before selling or delivering any pistol or pistol cartridges, such dealer shall notify, in writing, the chief of police, in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser and such prospective purchaser shall also submit to having his fingerprints taken by the police department of the city. The chief of police shall make full investigation; * * * [if] the chief of police * * * [disapproves] the proposed sale, * * * it shall be unlawful for any such dealer to sell or deliver such pistol or cartridges to the prospective purchaser. * * *

No pistol or pistol cartridges shall be sold or delivered by any such dealer until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

14-65. Dangerous weapons; prohibited. No person shall within the city or its police district, sell, exchange or keep on hand for the purpose of sale any of the following named articles: Shotgun or rifle with barrel length of less than eighteen inches. * * *

14-65(c) It shall be unlawful for any person to: (1) Sell any hand gun that does not have a full case hardened barrel, and in the case of automatics, full case hardened working parts able to withstand 2,700 degrees fahrenheit as certified by the manufacturer.

(2) To sell or transfer a hand gun to any person without a certificate from the Chief of Police or his designee that such purchaser or transferee has not been convicted of a felony within five years, and the Chief of Police or his designee shall furnish such certificate within three days from the date of the application for such certificate.

14-66. Exclusion from chapter. 14-65(c) shall be applicable to all persons including pawn brokers and pawn brokers sales stores; the other provisions of the preceding sections of this chapter shall not be applicable to pawn brokers and pawn broker sales stores, they being regulated by provisions of this Code specifically relating to them; but this Chapter is applicable to all other persons, and the words "persons" or "person" as used herein shall in addition to them, include their managers, agents, clerks and employees.

15-8. Prohibited items—Receiving. No pawnbroker or pawnbroker's sales store shall take in pawn, or receive, sell or exchange any of the following named articles: shotgun or rifle with barrel length of less than eighteen inches * * *.

15-9. Same—Possessing. No pawnbroker or pawnbroker's sales store shall own or keep on hand any of the weapons named or referred to in the preceding section hereof.

15-10. Pistols and cartridges; sale, notice, police findings. All pawnbrokers and pawnbrokers' sales stores shall at all times keep in their places of business a complete list and description of all pistols and pistol cartridges owned by them or held in pawn, and this provision applies also to pistols and cartridges purchased by such stores from regular dealers in pistols and pistol cartridges. All provisions of this chapter with reference to other articles shall be applicable to the keeping and sale of pistols and pistol cartridges, and in addition thereto the following regulations and prohibitions shall be applicable to pistols and pistol cartridges:

(a) No pawnbroker or pawnbroker's sales store shall sell any pistol or pistol cartridges unless and until all of the following regulations have been complied with strictly:

Before selling any pistol or pistol cartridges, the pawnbroker or pawnbroker's sales store shall notify, in writing, the chief of police, and in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser, and such prospective purchaser shall also submit to having his fingerprints taken by the police department. The chief of police shall make full investigation; * * * [if] the chief of police * * * [disapproves] the proposed sale, * * * it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell such pistol or cartridges to the prospective purchaser. * * *

(b) No pistol or pistol cartridges shall be sold by any pawnbroker or pawnbroker's sales store until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Ordinance 75-14

Section 1. That it shall be unlawful to sell or otherwise convey any handgun to any individual without a certificate from the Chief of Police, or his designee, stating that to the best of his knowledge the applicant is free of felony convictions. If said applicant is found to be free of felony convictions, the Chief of Police, or his designee must by law furnish applicant with such certificate at the end of three days from the date application is made. Under no circumstances is the Chief of Police, or his designee, to deny such certificate to any person at any time other than for reason of prior felony conviction.

For those applicants who make multiple handgun purchases during the course of the year, a handgun purchasers identification card shall be made available. This card shall exempt holder from the necessity of obtaining a certificate for each handgun purchased. Said card shall be available from the city license section upon receipt of a certificate from the Chief of Police, or his designee, stating that to the best of his knowledge the applicant is free of felony convictions. Card shall contain a physical description and picture of the holder and expense of issuance shall be borne by an issuance fee of $3.00. Card shall be valid for a period of three (3) years from date of issuance.

In the event any holder of a valid handgun purchasers identification is convicted of a felony, such identification shall immediately be revoked by the Chief of Police.

Section 2. Dealers selling handguns may submit application to the Chief of Police or his designee on behalf of the prospective purchaser, and the Chief of Police or his designee

may return the certificate directly to the seller submitting the application.

Section 3. Provided, however, that the terms of this Ordinance shall not apply to dealers holding federal firearms license when purchasing handguns. Provided further, that the terms of this ordinance shall not apply to collectors and gun shows which have been exempted from the application of the provisions of Ordinance Number 75-14 by a resolution approved in advance by the Council.

(Note: See Georgia State Criminal Code, Sections 26-2901 to 26-2904.)

Decatur

16-7.1. Same—Sale, etc., by dealers—Definitions. For the purposes of sections 16-7.2 to 16-7.5, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer. Any person regularly engaged in the business of selling firearms as defined herein.

Firearms. Any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification. Any driver's license, birth certificate, U. S. military identification card, baptismal or christening certificate, employee's identification card; provided, same shows age and home address of employee and U. S. passport.

Person. An individual, partnership, association or corporation.

16-7.2. Same—Same—Identification of purchaser required. No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearms unless the person obtaining such firearm shall furnish identification to the dealer setting forth his or her name, present address and age.

* * * * *

16-7.4. Same—Same—Fingerprint of purchaser required. * * * (a) Failure to fingerprint the person purchasing such firearm shall constitute an offense under these sections.

* * * * *

16-25.1. Pistols, revolvers, etc.; sale, etc., of certain types prohibited. It shall be unlawful for any person or persons to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars ($39.00).

It shall be unlawful for any person or persons to sell, to possess for sale, exhibit for sale, display or advertise for the purpose of sale, any pistol, revolver or derringer described in the preceding paragraph, designed and manufactured to fire blank cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles; provided however, that this paragraph shall not apply to any pistol, revolver or derringer to be used in any organized high school, college, professional or other recognized athletic events.

Hapeville

14-21.1. Pocket pistols, revolvers, derringers—Sale, possession, et cetera; * * * (a) It shall be unlawful for any person to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars ($39.00).

(b) It shall be unlawful for any person to sell, to possess for sale, exhibit for sale, display or advertise for the purpose of sale, any pistol, revolver, or derringer described in subsection (a), designed and manufactured to fire blank cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles, provided, however, that this section shall not apply to any pistol, revolver, or derringer to be used in any organized high school, college, professional or other recognized athletic events.

* * * * *

Hinesville

Section 1. Firearms—sale—reports—records. Every person desiring to purchase or otherwise acquire in the City of Hinesville a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, [Contact local authorities for required contents] * * *. The application in duplicate may take the form of the United States Department of Treasury, Internal Revenue Service, Alcohol and Tobacco Tax Division Form 4473, "Fire Arms Transaction Record".

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Chief of Police of the City of Hinesville.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth therein.

No person shall, within the City limits of Hinesville, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until forty-eight hours shall have lapsed from the time of receipt of the application in the Office of the Chief of Police of Hinesville.

No person within the City of Hinesville shall sell or otherwise dispose of a pistol, revolver, or other type of handgun to a person whom he has reasonable cause to believe is not fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If within the forty-eight hour waiting period required by this Section, the Chief of Police of Hinesville or person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type of handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such weapon.

A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

This section shall not be construed to apply to toy pistols, toy revolvers, toy weapons of any kind, or to antique weapons manufactured in or before the year 1898 which are to be used only for display or decoration purposes.

Jackson

Be it ordained by the Mayor and Council of the City of Jackson, and it is hereby ordained by the authority of the same that from and after the passage and adoption of this ordinance it shall be unlawful for any person to provide, furnish, or sell any pistol, rifle or gun to any person under the age of 21 to have, control, or possess any pistol or concealed weapons within such municipality and any person so violating this ordinance shall be guilty of disorderly conduct and subject to fine or imprisonment in the discretion of the Mayor or recorder.

Macon

* * * * *

Section 9-5002 Records of dealers. Every person, firm, corporation, merchant, or pawn-broker, selling, handling, exchanging or

dealing in pistols, revolvers, guns or rifles, within the City of Macon, shall keep a true and correct record of the name and address of every person, together with the age of such person, to whom any pistol, revolver, gun or rifle is sold, or exchanged, which said record shall further show the kind of article sold, the name and make of the same and the serial number thereof, if any.

Maysville

1. No person shall have in his or her possession within the Town Limits of the Town of Maysville, any sawed-off shotgun, rifle or machine gun, dangerous weapons, or silencers, except as provided below.

* * * * *

3. No person shall sell or place in the hands of an Alien, a Felon, Drug Addict, or Mentally Incompetent, any weapon or explosive device.

4. No person shall sell or possess within the Town Limits any Title II firearms such as fully automatic firearms, or destructive devices such as bombs, grenades, Molotov cocktails, etc., except as noted below.

* * * * *

6. All requirements as to age, permits, license, or other identification required by State of Federal Statute, must be complied with prior to delivery of any weapon to a purchaser within the Town Limits of the Town of Maysville, Georgia. * * * Further, any exceptions as to persons or things enumerated in the various provisions of this Ordinance shall be in accordance with Section 26-9914a, Georgia Code Annotated.

Nashville

Section I. It shall be unlawful for any person, Firm or Corporation to sell to any purchaser any pistol, * * * without complying with the following provisions of this section:

(a) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser his or her name; place of residence; age; occupation, and a statement [contact local authorities for required contents] * * *.

(b) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him. All as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, of any, shall be entered on said form by said seller in the place provided.

Section II. Be it further enacted that any person engaged in the sale of revolvers or pistols after having obtained a license for such sales is by this ordinance prohibited from accepting in pawn any pistol or revolver from any minor and is prohibited from selling any pistol to any minor.

* * * * *

Rossville

Sec. 15-2. Registration of firearms sales. (a) All wholesale and retail sellers, vendors and merchants selling, exchanging, or anywise changing ownership or title to any and all kinds or types of firearms within the city, or conveying and transferring title thereto, shall, before actual delivery of such firearms, make and keep on file in his place of business a record and registration of such firearms. Such record and registration shall disclose the name of purchaser, buyer or vendee; the make, model, serial number, and caliber of said firearms.

Savannah

Article B. Sale of Firearms

Section 6-1021 Report and Record. (a) Every person desiring to purchase or otherwise acquire in the City a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, [contact local authorities for required contents] * * *

(b) The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Police Chief of the City.

(c) It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

(d) No person shall, within the City, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the Office of the Police Chief of Savannah.

(e) No person within the City shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is a drug addict, or is a person who has been convicted of a crime of violence.

(f) If, within the seventy-two hour waiting period required by this Section, the Police Chief of Savannah or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under twenty-one (21) years of age, is a drug addict or is a person who has been convicted of a crime of violence; such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

* * * * *

(h) This section shall not be construed to apply to toy pistols, toy revolvers or toy weapons of any kind. This section shall also not be construed to apply to antique weapons manufactured in or before the year 1898 which are to be used only for display or decoration purposes.

Section 6-1022 Purchaser must have permit or license. No person shall sell or deliver to any purchaser a pistol or firearm of similar character until and unless the purchaser has presented to the seller a permit or license issued under existing State law authorizing the purchaser to carry such weapon.

Tifton

Section 1. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm to sell or barter to anyone, to exchange or keep for the purpose of sale, any of the following weapons: a shotgun or rifle with barrel length of less than 18 inches, * * *.

Section 2. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm to sell or barter to any purchaser a rifle, shotgun or pistol without complying with the following regulations:

(A) At the time of the sale or barter, there shall be obtained from the purchaser in writing the following information: buyer's name, height, weight, race, residence address, date of birth, place of birth and answers by the buyer to [those questions required by law; contact local authorities for those questions required by Tifton] * * *. This information will be obtained from the purchaser on a written form which the purchaser must sign and date.

(B) Any person, partnership, corporation, pawn shop or firm selling or bartering a firearm as provided in this Section shall provide to the Police Department of the City of Tifton the following information in writing: the manner in which the buyer of the firearm has identified himself to the seller, the type, model, caliber or gauge, serial number and manufacturer of the firearm.

(C) The information set out above in (A) and (B) shall be placed upon a printed form provided by the Police Department of the City of Tifton and shall be made by the seller in duplicate. The original of such form showing such information shall be delivered by the

seller to the Police Department of the City of Tifton on same day that the firearm is sold or bartered, such delivery shall be made by hand or by placing the original in the U.S. Mail addressed to the Police Department of City of Tifton.

Section 3. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm required by Section 2 hereof to obtain the information set out in (A) of Section 2 hereof to either fail to obtain such information or fail to provide such information to the Police Department of the City of Tifton as required by (C) of Section 2 hereof.

Section 4. It shall be unlawful and a violation of this Ordinance for any person buying or bartering for a firearm as set out in Section 2 hereof to give false information to seller or to answer falsely any questions set out in (A) of Section 2 hereof.

* * * * *

Valdosta

Sec. 18-39. Weapons—Sales of, regulated. (a) It shall be unlawful for any person, firm or corporation to sell to any purchaser any pistol, * * * without complying with the following provisions of this section:

(1) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser * * * (a statement) [contact local authorities for required contents]

(2) The information obtained by such inquiry shall be entered in writing or in print upon a printed form provided therefor by the police department and shall be made in duplicate. The duplicate copy shall be delivered at once by hand or by mail to the police department.

(3) Having obtained such information, the merchant or dealer, shall forthwith, before any sale is made, contact the chief of police, or, in his absence, one authorized to act in his stead, and inform the chief or his alter ego of the information obtained from the prospective purchaser. It shall then be the duty of the chief or of the officer authorized to speak for him to advise the merchant or dealer that he may, or may not, as the case may be, sell the object involved to the customer.

(4) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him, all as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, if any, shall be entered on said form by said seller in the place provided.

(5) For obtaining the consent and approval of the police department to make such sale, the merchant or dealer may communicate with the chief of police or with one authorized by him to act in his stead in person or by telephone. * * *

(b) The foregoing provisions of this section having been complied with, the police department shall then advise the merchant or dealer that he may, or may not, as the case may be, sell to the prospective purchaser the item sought to be purchased. * * *

Waycross

Chapter 7.

Sec. 1. Definitions. The following words as used in this chapter shall have the meanings ascribed to them:

(1) Firearm. The word "firearm", as used in this chapter, shall be construed as including any pistol, revolver, rifle or shotgun of whatever form of action, caliber or gauge.

(2) Ammunition. The word "ammunition" shall be construed as meaning any pistol or rifle cartridge or shotgun shell and like cartridges and shells, of any caliber or gauge with bullet or projectile or shots made up within the same shell or cartridge with the propelling charge.

Sec. 2. Permit to purchase, receive or accept—Required. It shall be unlawful for any person to purchase, receive or accept in any manner any firearm or ammunition within the city without first having obtained a written permit from the chief of police of the city authorizing such person to receive or accept such firearm or ammunition.

No person shall sell, deliver, barter or give, or otherwise transfer a firearm or ammunition within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such firearm or ammunition. In no case shall any person deliver a firearm or ammunition to the person to whom it is to be sold or transferred until approved by the chief of police.

Sec. 6. Same—Transfer at time of sale and at time of reports. It shall be the duty of any person who sells, transfers or gives away any firearm or ammunition as provided in this chapter, at the time such sale, gift or delivery is made, to require the holder of such permit to deliver the permit to such person who sells, transfers or gives away any firearm or ammunition. * * * * *

Sec. 10. Hours when exchange of firearms prohibited. It shall be unlawful for any person to purchase, receive or accept in any manner, or to barter or give away any firearm or ammunition between the hours of 5:00 P. M. and 5:00 A. M.

Winder

Sec. 17-45. Responsibility for violation of section 17-44 by minor. It shall be deemed a violation of section 17-44 for any parent or person in control of children to permit a minor child to do the acts forbidden in section 17-44, or to furnish such minor child with firearms, including rifles, pistols, shotguns, air rifles or other similar devices; and such person by furnishing such instruments and allowing such minor child to violate the terms of section 17-44 shall also be deemed a violator of section 17-44 in the aiding and abetting of the minor child by his failure to forbid the said minor to do the acts prohibited.

Guam

Territorial Law

Govt. Code, Territory of Guam

8900. As used in this Chapter: (a) 'Firearm' means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

(b) 'Pistol' or 'revolver' means any firearm of any shape whatever, and designed to be fired with one hand with a barrel less than twelve inches (12'') in length and capable of discharging loaded ammunition or any noxious gas.

(c) 'Rifle' means a firearm designed, made, redesigned or remade, and intended to be fired from the shoulder and to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such firearm which may be readily restored to fire loaded ammunition, and any antique rifle or long gun, regardless of the type of charge or projectile used, which is capable of being used as a weapon.

(d) 'Shotgun' means any firearm designed, made, redesigned or remade and intended to

be fired from the shoulder and to fire through a smooth barrel either a number of projectiles (ball shot) or a single projectile, and shall include any such firearm which may be readily restored to fire any of the above, and shall also include any firearm of any age designed and capable of firing the above-mentioned projectiles.

(e) The terms 'Director' and 'Department' means the Director of Revenue and Taxation and the Department of Revenue and Taxation respectively.

8900.1. This Chapter shall not apply to: (a) Law enforcement officers when using firearms authorized by the Director in their official duty.

(b) Persons in the Armed Forces of the United States engaged in official duty.

(c) Devices which are not designed or redesigned for use as a weapon. Any device, although originally designed as a firearm, which has been redesigned, or was designed initially for use as, a signalling, pyrotechnic, line-throwing, safety, industrial or similar device, surplus ordnance sold, loaned or given by the Secretary of the Army pursuant to the provisions of Sections 4684(2), 4685 or 4686 of Title 10 of the United States Code is not covered by this Chapter.

8901. Ownership, etc. of certain firearms prohibited. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, sub-machine guns, automatic rifles or any other firearm not a rifle having a barrel length of sixteen (16) inches or greater, or not a shotgun having a barrel length of eighteen (18) inches or greater, or a revolver or pistol having a barrel length of more than twelve (12) inches is prohibited. Mufflers, silencers, or devices for deadening the sound of discharged firearms are also prohibited. Any person violating this section shall be imprisoned for a term of not less than two years nor more than five years, without probation.

8901.1. Ownership, etc. permitted. Any person who qualifies under this Chapter may lawfully own, possess, use or carry any rifle, shotgun, pistol or revolver not prohibited by Section 8901 subject to the conditions and penalties provided in this Chapter.

8901.2. Dealer, etc. must register. Any person who is in the business of selling, buying, renting, or trading any firearm shall register with the Department of Revenue and Taxation under the terms and conditions set forth in this Chapter and the rules and regulations adopted hereunder before engaging in any of the above activities. The term 'in the business of' shall mean any person, natural or legal, who engages in the above activities for profit or who so engages on behalf of others, but shall not include private sales, loans, gifts or transfers of lawfully possessed firearms which have been registered and possessed under the provisions of Sections 8901.1 and 8903 of this Chapter.

8902. Identification card required. No person shall own, possess, use, carry or acquire any firearm which is lawful under Section 8901.1 unless he shall have first obtained from the Department an identification card evidencing his right to such ownership, possession, use or carrying, concealed or otherwise, as stated upon the face of the Card. Said Card shall be in the possession of the holder and on his person whenever he is using or has in his possession a firearm. * * *

8902.2. Same:restrictions. (a) No identification card shall be issued unless the Department is satisfied that the applicant may lawfully possess, use, carry, concealed or otherwise, own, or acquire the type of firearm stated in the application and upon the face of the identification card.

(b) No person shall be issued an identification card:

(1) Who has been convicted by any court of the United States, a state, territory, possession, Trust Territory or political subdivision thereof of any felony, or

(2) Who is an alien, except temporary permits may be issued to aliens for use only at target ranges operated by persons possessing permits therefor and who are citizens, or only for use at authorized sporting events, and except for official representatives of foreign governments in their official capacities, or

(3) Who is under indictment for any crime stated in (b)(1) above, or

(4) Who has been adjudicated incompetent, has been committed to any mental institution, or

(5) Who is under the age of eighteen (18) years, or

(6) Who has been convicted of any violation of the Uniform Controlled Dangerous Substances Act or any misdemeanor where personal injury or use of firearms was an element or factor of the offense unless the Director has determined that the offense was committed more than ten (10) years previously and that the applicant would not endanger the public safety by receiving an identification card, or

(7) Who, in the determination of the Director appears to suffer from a physical or mental disease or defect which would adversely affect the safe use of the firearm applied for, unless the person obtains a certificate from a licensed physician stating that the physical or mental disease or defect would not adversely affect his safe operation of the firearm or the public safety.

8903.2. Upon transfer to a pawnbroker, and upon retransfer from the pawnbroker to either the owner, or to another person, a new registration must be obtained. * * *

8904.1. (a) No person may use or possess a firearm, regardless of ownership of the firearm, without possession of an identification card evidencing his eligibility to possess, use or carry such firearms.

(b) No person shall transfer, loan, give, sell either as a part of a business or individually, or permit the use of any firearm unless the person receiving the firearm has an identification card evidencing his eligibility to receive, possess, use and carry the type of firearm which he is to receive, borrow, use, buy or possess or carry. * * *

(d) No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same.

* * * * *

8905. Dealers, etc. must register. Any person who is a dealer, manufacturer, wholesaler, or retailer of firearms or ammunition within the territory of Guam who must register pursuant to Section 8901.2 shall do so by supplying the Department with information required by it relative to the name of the business, name or names of the owners, whether the business is a corporation, sole proprietorship, partnership or any other form, relative to the types of firearms sold, manufactured, bought or repaired by such business, to the security of the storage areas of the business wherein the firearms are stored and any other information deemed necessary by the Department. Upon receipt of the necessary information, the Department shall issue a registration card, which shall be prominently displayed at the place of business of the person or firm so registered, and copies to be displayed at each location where firearms are sold.

8905.1. Any person or firm licensed pursuant to Section 8901.2 shall, in the conduct of his business: * * * * *

(3) Permit only persons who are holders of identification cards making them eligible to purchase, possess and use the firearms sold by the registrant or repaired by the repair facility to have access to the firearms or ammunition, except that nothing in this section shall be construed to require a customer to show an identification card prior to his engaging in a transaction for which an identification card is required by this Chapter.

(4) Sell only to persons who have a valid identification card making them eligible to purchase, own, possess, use and carry the firearm or ammunition which is the subject of the transaction. * * * * *

8905.2. No person, other than the owner or possessor of a firearm, may accept any firearm for repair without having first been shown a valid identification card showing the

person delivering the firearm to such person accepting it for repair to be eligible to possess the firearm in question. No firearm shall be returned to any person after repair or other work done on it without the repairer having seen the identification card of the one to whom the firearm is to be given.

* * * * *

Hawaii

State Law

Hawaii Rev. Stats.

Sec. 134-1 Definitions. As used in this chapter: "Firearm" means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon, and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

"Pistol" or "revolver" means any firearms of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas.

Sec. 134-2 Registration, mandatory. Every person arriving in the State who brings with him firearms of any description, whether useable or unuseable, serviceable or unserviceable, modern or antique, or ammunition of any type and description, shall within forty-eight hours after arrival, register the same with the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn.

Registration shall not be required for: (a) any device designed to fire loose black powder; (b) a device not designed to fire or made incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition; and/or (c) all unserviceable firearms and destructive devices registered with the Director, Alcohol, Tobacco, and Firearms Division of the U.S. Internal Revenue Service as provided in Part 179 of Title 26, Code of Federal Regulations.

The registration shall be on such forms as may be designated by the department of the attorney general and shall include a description of the class of firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained. * * * * *

Sec. 134-3 Permits to acquire; registration; penalty. No person shall acquire the ownership of a firearm of any description (other than a rifle or shotgun having a barrel length of eighteen inches or over), whether usable or unusable, serviceable or unserviceable, modern or antique registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight or otherwise, until he has first procured from the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein; * * * [*See local police for details*]

Sec. 134-4 Transfer of rifles and shotguns. No transfer of any rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, shall be made in any event to any person under the age of eighteen years, and no person under the age of eighteen years shall possess any such rifle or shotgun, except as provided by section 134-5.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, or an alien who has procured a hunting license under sections 191-1 to 191-6 and a firearms permit under section 134-3.

Sec. 134-7 Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; penalty. (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a felony or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed a felony, or of the illegal use, possession, or sale of any drug, shall own, or have in his possession, or under his control any firearm or ammunition therefor. * * * * *

Sec. 134-8 Ownership, etc., of machine guns, automatic rifles, silencers, etc., prohibited; penalty. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, submachine guns, automatic rifles, or rifles with barrel lengths less than 16 inches, or shotguns with barrel length less than 18 inches, cannon, mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms, or any hand grenade, dynamite or other explosives, blasting caps, bombs or bombshell is prohibited. * * *

Sec. 134-10 Alteration of identification marks prohibited; penalty. No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same. * * *

Sec. 134-11 Exemptions. Sections 134-6 to 134-9 shall not apply:

(1) To members of police departments, sheriffs, members of military and naval forces of the State and of the United States, mail carriers, and law enforcement officers;

(2) To regularly enrolled members of any organization duly authorized to purchase or receive the weapons from the United States or from the State, provided the members are at, or going to or from their places of assembly, or target practice;

(3) To persons employed by the State or subdivisions thereof or the United States whose duties require them to be armed, while the persons are in the performance of their respective duties, or while going to and from their respective places of duty;

(4) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that state to carry firearms without registration. The governor of the State or his duly authorized representative may enter into compacts with other states to carry out this section.

Nor shall sections 134-2 and 134-3 apply to such firearms or ammunition as are a part of the official equipment of any federal agency.

Sec. 134-16 Restriction of materials for manufacture of pistols or revolvers. It shall be unlawful for any person, including a licensed manufacturer, licensed importer or licensed dealer, to possess, sell or deliver any pistol or revolver which is not duly registered pursuant to section 134-2 prior to July 1, 1975, if the frame or receiver thereof is a die casting of zinc alloy or any other material which has a melting temperature of less than 800 degrees Fahrenheit.

Any person who violates this section shall be guilty of a misdemeanor.

This section shall not apply to any pistol or revolver duly registered prior to July 1, 1975, pursuant to section 134-2, or to any antique pistol or revolver.

The term antique pistol or revolver means any pistol manufactured in or before 1898 and any replica of such pistols or revolvers if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Part II.
Firearms, Dealers' Licenses

Sec. 134-31 License to sell and manufacture firearms; fee. Any person desiring to engage in the business to sell and manufacture firearms for sale in the State either at wholesale or retail, shall annually file an application for a license therefor with the director of finance of each county of the State. * * *

Idaho

State Law

Idaho Code

18-3302. **Concealed and dangerous weapons—Possession and exhibition—Sale to minors.** If any person, excepting officials of a county, officials of the state of Idaho, officials of the United States, peace officers, guards of any jail, or any officer of any express company on duty, shall carry concealed upon or about his person any * * * pistol, revolver, gun or any other deadly or dangerous weapon within the limits or confines of any city, town or village, or in any public assembly, or in any mining, lumbering, logging, railroad or other construction camp, public conveyances or on public highways within the state of Idaho, or shall, in the presence of one or more persons, exhibit any deadly or dangerous weapon in a rude, angry or threatening manner, or shall have or carry such weapons upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor under the age of sixteen years any such weapon without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than $25.00 nor more than $200.00, and by imprisonment in the county jail for a period of not less than twenty days nor more than ninety days: provided, however, that any person shall be allowed to carry any of the above weapons in the places mentioned above on securing a permit from the sheriff of the county after satisfying the sheriff of the necessity therefor.

18-3308. **Selling explosives, ammunition or firearms to minors.** No person, firm, association or corporation shall sell or give to any minor under the age of sixteen years any powder, commonly called gunpowder, of any description, or any dynamite or other explosive, or any shells or fixed ammunition of any kind, except shells loaded for use in shotguns and for use in rifles of twenty-two caliber or smaller, or any firearms of any description, without the written consent of the parents or guardian of such minor first had and obtained. Any person, firm, association or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than $100, or be imprisoned in the county jail not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment in the discretion of the court.

18-3314. **Resident's purchase of firearm in contiguous state.** Residents of the state of Idaho may purchase rifles and shotguns in a state contiguous to Idaho, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to such a purchase in Idaho and in the contiguous state in which the purchase is made.

Illinois

State Law

Ill. Ann. Stat.

38 Sec. 24-1. **Unlawful use of weapons.** (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm: or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which 8 or more shots or bullets may be discharged by a single function of the firing device, any shotgun having one or more barrels less than 18 inches in length, sometimes called a sawed-off shotgun, or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified or altered, has an overall length of less than 26 inches, or a barrel length of less than 18 inches or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; * * *

38 Sec. 24-2. **Exemptions.** * * * * *

(c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this Subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or not immediately accessible. * * * * *

(g) An information or indictment based upon a violation of any Subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

38 Sec. 24-3. **Unlawful sale of firearms.** A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such

firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph shall not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or (4) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States; or

(h) While holding any license under the Federal "Gun Control Act of 1968", as amended, as a dealer, importer, manufacturer or pawnbroker; manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith", approved August 3, 1967, as amended; (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

(i) Paragraph (h) of this Section shall not include firearms sold within 6 months after enactment of this amendatory Act of 1973, nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of this amendatory Act of 1973 be subject to confiscation or seizure under the provisions of this amendatory Act of 1973. Nothing in this amendatory Act of 1973 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of this amendatory Act of 1973.

(j) Sentence. Unlawful sale of firearms is a Class A misdemeanor.

38 Sec. 24-3.1 Unlawful Possession of Firearms and Firearm Ammunition. (a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

(b) Sentence. Unlawful possession of firearms and firearm ammunition is a Class A misdemeanor.

38 Sec. 24-5. Defacing Identification Marks of Firearms

(a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a Class A misdemeanor.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

38 Sec. 83-1. Legislative Declaration. It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms and firearm ammunition within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24-3.1 of the "Criminal Code of 1961", as amended, from acquiring or possessing firearms and firearm ammunition.

38 Sec. 83-1.1 Definitions. For purposes of this Act: "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter.

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of Law Enforcement finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm Ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

38 Sec. 83-2. Requisites for Acquisition or Possession—Exempted Persons or Entities. (a) No person may acquire or possess any firearm or any firearm ammunition within this State without having in his possession a Firearm Owner's Identification Card previously issued in his name by the Department of Law Enforcement under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms and firearm ammunition do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

(5) Members of bona fide veterans organizations which receive firearms directly from the armed force of the United States, while using such firearms for ceremonial purposes with blank ammunition.

(6) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(7) Nonresidents while on a firing or shooting range recognized by the Department of Law Enforcement; however, such persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents, while at a firearm showing or display recognized by the Department of Law Enforcement; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents, whose firearms are unloaded and enclosed in a case; and

(10) Nonresidents, who are currently licensed or registered to possess a firearm in their resident state; and

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to such minor if such parent or legal guardian or other person in loco parentis to such minor has a currently valid Firearm Owner's Identification Card.

38 **Sec. 83-3. Requisites for transfer.** (a) No person within this State may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of Public Safety under the provision of this Act. * * * * * (c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act. (Chapter 38, Sec. 83-2.)

38 **Sec. 83-6. Contents of Identification Card.** A Firearm Owner's Identification Card, issued by the Department of Law Enforcement at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal identifying information as may be required by the Director. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION-This card does not permit bearer to UNLAWFULLY carry or use firearms."

Abingdon

6-2-4-14: Sale of firearms or weapons to minors prohibited: (A) It shall be unlawful for any person to sell to any minor person any firearm * * * * *

6-2-3-15: Unlawful use of weapons: (A) It shall be unlawful for any person to: * * * * * 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Addison

2. Permit. It shall be unlawful for any person to sell or give away to any person within the Village of Addison any firearm unless such person so purchasing or receiving such firearm shall have a valid State of Illinois Gun Owner's Identification Card and shall have secured a written permit for the purchase of said firearm from the Chief of Police, and it shall be the duty of the person selling or giving away firearms to receive and keep such written permits from the Chief of Police in a permanent file for inspection purposes. Every such person with a license to deal in firearms shall, on demand, allow the Chief of Police or his deputy to enter for inspection during normal business hours, all stock on hand and shall on request of such officer, produce for inspection all written permits issued by the Chief of Police for the sale of such firearms, and the register so required to be kept.

4. Minors. It shall be unlawful for any person to sell or give away to any minor any firearm which can be concealed on the person within the corporate limits of the Village of Addison.

Alton

4-17-1: License required: It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the City, any pistol, revolver, derringer, shotgun and rifle (capable of being concealed on the person), antique firearms, * * * without securing a license so to do * * *.

Arlington Heights

Article XXXIII—Gun Dealers.

Section 14-3301 Gun Dealers—License Required. No person shall engage in the business of selling firearms, ammunition, black powder, smokeless powder, or any other propellant, without first having obtained a business license therefor from the Village of Arlington Heights pursuant to the provisions of Chapter 9 of this Code. * * * * *

Section 14-3304 For the purpose of this ordinance, "firearm" shall not mean an antique firearm (other than a machine-gun) which, although designed as a weapon, is by reason of the date of its manufacture, value, design and other characteristics primarily a collector's item and is not likely to be used as a weapon, or which is designated as a collector's item or antique firearm by state or federal law."

Bartlett

23.014 Firearms—Minors. It shall be unlawful to sell, loan, or furnish to any minor any gun, rifle, pistol, shotgun or other firearm.

Beecher

* * * * *

6-1-7 * * * * * (B) It shall be unlawful for any person to sell, loan, or furnish to any minor any gun, pistol, fowling piece or other firearm within the limits of the Village.

Belvidere

Sec. 133.006 Unlawful use of weapons; prohibited. (A) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * * * *

Sec. 133.014 Unlawful sale of firearms. (A) A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(2) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(3) Sells or gives any firearm to any narcotic addict; or

(4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(6) Sells or gives any firearms to any person who is mentally retarded; or

(7) Delivers any firearm, of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made; or delivers any rifle, shotgun or other long gun incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However this paragraph shall not apply to:

(a) The sale of a firearm to a law enforcement officer or a person who desires to pur-

chase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(b) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(c) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(d) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

* * * * *

Sec. 133.015 Unlawful possession or acquisition of firearms or ammunition.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearm or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

* * * * *

Bensenville

42.08 Firearms to minors. No persons shall sell, loan or furnish to any minor any gun, pistol or other firearm * * * within the village.

Berkeley

Ordinance 69-12

Section one: That it shall be unlawful for any firm, business or corporation within the Village of Berkeley, to manufacture for sale, or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument or weapon of the kind usually known as a pistol, revolver, shot gun, rifle, * * * or any other offensive and dangerous weapon or instrument, or to give or sell a pistol or firearm to any person.

Berwyn

36-6. Definition. "Firearms," for the purposes of this article, are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

36-7. License to sell concealable firearms required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the city, any firearms which are of such size of nature as may be concealed upon the person, without securing a license therefor.

36-9. Licensee not to sell concealable firearms; exception. No person having secured a license required by section 36-7 of this Code, shall sell, loan or give away any firearm described in section 36-6 of this Code to any person who has not secured a permit from the chief of police to purchase such firearm.

36-11. Persons ineligible for permits. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

Bloomington

69. Minors—selling, etc., weapons to prohibited. No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling piece, or toy firearm in which any explosive substance can be used * * * or other deadly weapon of a like character.

Blue Island

2273. 1.01—Definitions. For the purposes of this ordinance—

A. "Deadly Weapons" means pistols, derringers, revolvers or other handguns of such size or nature that they may be concealed on or about the person, short-barreled shotguns and short-barreled rifles. Deadly weapons do not include any antique firearm. Deadly weapons do not include any firearm which is not designed to or may not readily be converted to expel a projectile by the action of an explosive.

B. "Short-Barreled Shotguns" means shotguns having one or more barrels less than eighteen inches in length.

C. "Short-Barreled Rifles" means a rifle having one or more barrels less than sixteen inches in length.

D. "Antique Firearm" means:

(1) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(2) any replica of any firearm described in subsection D.(1) if such replica—

(a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

E. "Dealer" means any person, firm or corporation—

(1) engaged in the business of selling firearms at wholesale or retail,

(2) engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or

(3) any person who is a pawnbroker.

F. "Licensed Dealer" means any dealer who is validly licensed as a dealer under the provisions of Chapter 44 of Title 18 of the United States Code.

G. "Licensed Collector" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is validly licensed as a collector by the Secretary of the Treasury of the United States under the provisions of Chapter 44 of Title 18 of the United States Code.

H. "Sale or Other Transfer" means any sale, gift, exchange, loan, rental or other transfer of a deadly weapon, but does not include any of the following:

(1) acquisition of a deadly weapon as the executor, administrator or other legal representative of a decedent's estate, or

(2) transfer of a deadly weapon by bequest or intestate succession, or

(3) acquisition or transfer of a deadly weapon by a trustee in bankruptcy in the administration of a bankrupt's estate, or

(4) return of a deadly weapon to a person, firm or corporation from whom it was received, or

(5) transfer of a deadly weapon where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction, or

(6) transfer of a deadly weapon to any Federal, State or Local government, or any department, agency, bureau, institution or commission thereof, or

(7) transfer of a deadly weapon to a private museum, society institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes, or

(8) loan or rental of a deadly weapon solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

2.01 **Unlawful Sale or Other Transfer of Deadly Weapons.** It shall be unlawful for any person, firm or corporation to make any sale or other transfer of a deadly weapon in the City of Blue Island, Illinois, to any person, firm or corporation other than the following:

A. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with any of the regular armed forces, military services or reserve organizations of the United States.

B. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with the organized militia of any State.

C. Persons who are required or authorized to possess and use a deadly weapon incident to their employment by any Federal, State or Local government thereof, specifically including by way of example but not limited to:

(1) Peace Officers;

(2) Wardens, Superintendents and Keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense; and

(3) Agents and Investigators of the Illinois Legislative Investigatory Commission authorized by the Commission to carry weapons.

D. Licensed detectives and employees of licensed detective agencies as defined in Illinois Revised Statutes, Chapter 38, Section 201-1 as now or hereafter amended.

E. Special agents employed by a railroad or public utility to perform police functions.

F. Watchmen, bank guards, armed truck guards or other similar private security personnel, in accordance with the provisions of Section 4.02 of this ordinance.

G. A licensed collector of deadly weapons.

H. A licensed dealer in deadly weapons.

3.01—**Dealer License Required.** No person, firm or corporation shall engage in the business of a dealer in deadly weapons in the City of Blue Island, Illinois, without securing a license therefor.

4.02—**Sale or Other Transfer to Private Security Personnel.** Any dealer in deadly weapons who sells or otherwise transfers a deadly weapon to any watchman, bank guard, armed truck guard or other similar private security personnel shall before making such sale or transfer request and receive from such person's employer a letter stating that such person is employed as a private security guard and requires the deadly weapon which he is seeking to obtain from the dealer.

Bolingbrook

* * * * *

Section 19-201. License Required. It shall be unlawful for any person to engage in the business of selling, or to sell, offer to sell or give away to any person within the Village any pistol, rifle, shotgun, revolver, * * * or other weapon of like character, without first securing a license to do so. Except as otherwise provided in this article, the manner of application and the conditions of payment, issuance and duration of such license shall be as prescribed by Village ordinance.

Section 19-203. Sale to minors or aliens prohibited. None of the weapons the sale of which is licensed by this article, or any weapon of like character, shall be sold or donated to any minor or alien.

Section 19-204. Permit required for purchase of concealable weapons—Application; Ineligible applicants. (A) No sale of any revolver, pistol, * * * or other deadly weapon which can be concealed on a person shall be made by any licensee under this article to any person unless such person shall first exhibit to the licensee a permit for the purchase thereof, as issued by the Chief of Police of the Village.

(B) Before any permit required by this section can be granted, an application in writing must be made to the Chief of Police. * * *

Brookfield

Sec. 29-1. "Firearms" defined. "Firearms," for the purposes of this chapter, are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

Sec. 29-2. Permit to purchase firearms. No person shall purchase a firearm without having secured a permit so to do from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen (18) years of age, or an alien. Application for such a permit shall state the type of firearm desired and the name, age, sex, residence, nationality, height, weight and complexion of the applicant. Recommendation by two (2) or more citizens of the village of the good moral character of the applicant shall accompany each application for permit under this section.

No person, whether licensed by the village or not, shall sell, loan, or give away any firearm to any person who has not secured a permit from the chief of police as required by this section.

Sec. 29-3. Defacing identification marks on firearms. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Cahokia

4. No person, firm or corporation shall sell or give or loan to any person under the age of 18 years any firearm or other deadly weapon in the Village of Cahokia, Illinois.

Calumet Park

Ordinance 76-256

Section 1: That it shall be unlawful for any person, firm, business, corporation, association or otherwise, within the corporate limits of the Village of Calumet Park, to manufacture for sale or cause to be manufactured, sell, give, keep for sale, offer, or otherwise dispose of, in usable form, any instrument or weapon of any kind usually known as a pistol, revolver, shotgun, rifle or any other offensive and dangerous weapon or instrument.

* * * * *

Carpentersville

8-39. Unlawful Use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly: * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufacturers, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device. * * *

Subsection * * * (g) shall not apply to or affect any of the following:

(a) Peace officers.

(b) Manufacture, transportation, or sale of machine guns to persons authorized under (a) of this subsection to possess such, provided said machine guns are broken down in a nonfunctioning state or not immediately accessible. * * *

8-40. Unlawful Sale of Firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to any narcotic addict; or

(c) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5

years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Centralia

16-1-4. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * * or * * * * *

(6) Possesses any device or attachement of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device.

C. **Subsection 16-1-4 (7)** shall not apply to or affect any of the following:

(1) Peace Officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns, to persons authorized under (1) through (3) of the subsection to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible.

16-1-6. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age; or

(2) Sells or gives any firearm to any narcotic addict; or

(3) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Champaign

13.505. Weapons. No pawnbroker shall receive as a pledge or purchase any revolver, pistol, * * * or sawed-off shotgun. And no pawnbroker shall display in his window or shop any such weapons for sale.

22.209. Weapons. It shall be unlawful to carry or possess any firearm or weapon in the City in violation of the laws of this State.

Chicago

Registration

11.1-4 At the time of sale the seller shall complete a registration form, designed or approved by the Director of Revenue, [contact local authorities for required contents] * * *.

11.1-5. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of law.

* * * * *

11.1-14. For the purposes of this Chapter the term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

11.1-15. Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who possesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void.

11.1-16. A person may not possess or harbor any firearm, whether concealed or not concealed, if such person is ineligible to register such firearm with the licensing authority pursuant to the provisions of this Chapter.

Unlawful Acts

183-1. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license so to do.

183-6. It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon mentioned in section 183-1, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the city.

183-7. It shall be unlawful for to purchase any deadly weapon mentioned in section 183-1, which can be concealed on the person without first securing from the superintendent of police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, [contact local authorities for required contents] * * *

183-9.1 Gunsmiths. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

Chicago Heights

30-101. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * * * *

30-104. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other

long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this paragraph shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of this state under which the firearm is mailed to a point outside the boundaries of this state; or

(3) The sale of a firearm to a nonresident of this state while at a firearm showing or display recognized by the state department of public safety; or

(4) The sale of a firearm to a dealer licensed under the federal firearms act.

30-105. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person.

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(c) He has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(d) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Chicago Ridge

Section 1—License required. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell, loan or give away to any person within the Village any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used or other weapon of like character without securing a license so to do as hereinafter provided; and no person, firm or corporation having secured such a license shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Section 5—Permit. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or weapon of like character without first securing from the Village Clerk a permit so to do. Before any such permit is granted an application in writing shall be made * * * [contact local authorities for required contents]. Before issuing such permit the Village Clerk shall refer the same to the Chief of Police * * *. In addition the Chief of Police shall make such inquiry or investigation as shall be necessary to ascertain whether or not the applicant is entitled to receive such a permit * * * * *.

Section 6—Refusing permit. It shall be the duty of the Chief of Police to refuse his approval of such permit to a) All persons having been convicted of any crime; b) All minors.

Cicero

38-7. Minors using firearms. No person shall sell, loan or furnish to any minor any gun, pistol or other firearms, or any toy gun, toy pistol or other toy firearms, in which any explosive substance can be used, within the town, under a penalty of not more than one hundred dollars for each offense; provided, that minors may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club.

38-9. Sale or gift of deadly weapons concealable on person—License—Required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license so to do.

38-12. Same—Application to, permission from, superintendent of police required. No pistol, revolver, * * * derringer, * * * or other deadly weapon can be sold unless application is made to the superintendent of police of the town stating that a request has been made for the purchase of a pistol, revolver, * * * derringer, * * * or other deadly weapon * * *

38-14. Same—Prohibited to other than licensed dealers, or persons granted permits. It shall be unlawful for any person to sell, barter, or give away to any person within the town, any deadly weapon mentioned in section 38-9, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police of the town as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the town.

38-15. Same—Purchasers required to obtain permit; permits prohibited to minors and persons convicted of crime. It shall be unlawful for any person to purchase any deadly weapon mentioned in section 38-9 which can be concealed on the person without first securing from the superintendent of police of the town a permit so to do. * * *

Clarendon Hills

Selling firearms to minors unlawful. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other firearm, * * * within the Village of Clarendon Hills, under a penalty of not less than five dollars not more than fifty dollars for each offense.

Colchester

Sec. 4-30. Weapons—Selling or furnishing firearms to minors. It shall be unlawful for any person within the city to sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, fowling piece or other firearms.

Countryside

8-11.01 License required. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away, any loaded paper shells, metallic shot, loaded cartridges, bank cartridges, percussion caps, primers, detonators, or any other explosives without having first obtained a license therefor.

8-11.11 Minors. It is hereby declared to be unlawful for any person to sell, deliver, or give to any person under eighteen years of age any of the items set forth in 8-11.01.

Crest Hill

1. Violation. It shall be unlawful for any person to engage in the business of selling or to sell, or offer for sale or give away to any person within the city any pistol, revolver, * * * or other weapons of like character without securing a license to do so.

3. Sale to minors. None of the articles enumerated in Section 1, or of like character, shall be sold to any minor.

5. Permit. No sale of any revolver, pistol, * * * or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless such purchaser shall first exhibit to such licensee a

permit for the purchase thereof, issued by the chief of police of this city. * * * It shall be the duty of the chief of police to refuse such permit to all minors or persons having been convicted of any crime.

Creve Coeur

6-2-17: Unlawful use of weapons: (A) It shall be unlawful for any person to: 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *.

DeKalb

52.10 Firearms * * * (b) Selling to minors. No person shall sell, give, loan or furnish to any minor within the City any pistol, revolver, * * * derringer, * * * (shotguns and rifles excepted).

Decatur

41-1. No person, firm or corporation shall sell, give, loan, hire, barter, furnish or offer for sale, or give, loan, hire, barter or furnish to any minor under the age of sixteen (16) years within the City, without the written consent of the parent or legal guardian of said minor, any gun, pistol, revolver, fowling piece or other firearm or any toy gun, toy pistol, toy fowling piece or other toy firearm in which any explosive substance can be used; * * * * *

Downers Grove

Sec. 15-13. Same—Sale to minors. No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, * * *

Duquoin

20-65. Purchasing from or selling, loaning or furnishing weapons using explosive substances to persons under the influence of alcohol, etc., agitated persons, or minors. It shall be unlawful to purchase from or to sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Durand

Sec. 12-7. Unlawful use of weapons. * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

* * * * *

East Alton

6-3-3-15: Unlawful use of Weapons: (A) It shall be unlawful for any person to:* * * * *

6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

* * * * *

East Peoria

29. Unlawful use of weapons. (a) It shall be unlawful for any person to:

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Possess or carry any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails.

East St. Louis

1. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell or give away to any person within the City, or to bargain or negotiate with any person within the City for any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a license so to do * * *.

5. It shall be unlawful for any person, firm or corporation to sell, barter or give away to any person within the City of East St. Louis, Illinois, any pistol, revolver, derringer, * * * or any other weapon of like character which can be concealed on the person, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police * * *.

6. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit so to do * * *.

7. It shall be the duty of the Chief of Police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

Elmhurst

51.19 Firearms to minors. No person shall sell, loan or furnish to any minor, any gun, pistol or other firearm or any airgun or toy pistol on which percussion caps are used.

Elmwood Park

52-3. Definition of "firearm". Firearms for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

52-5. License to sell firearms—Required. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor.

52-7. Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. * * *

52-8. Sales, etc., of firearms to persons without permit. No person, having secured a license to sell firearms shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

52-11. Sale, etc., of firearms to minors. No person shall sell or give to any alien or to

any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Evanston

48-6. Permit for purchase of pistol; inspection of stock, etc. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the city, any pistol, revolver or other weapon of like character which can be concealed upon the person, unless such person so purchasing or receiving such weapon shall have secured a written permit for the purchase of such article, from the chief of police * * *

48-7. Selling firearms to minors. It shall be unlawful for any person to sell, loan or furnish to any minor, any gun, pistol, fowling-piece or other firearm, within the corporate limits of the city.

Evergreen Park

Sec. 32-2. Certain acts involving weapons deemed unlawful—In general. It shall be unlawful for any person to knowingly:

(a) Sell, manufacture, purchase, possess or carry any * * * shotgun with a barrel less than eighteen inches (18) in length * * * * *

(f) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sell, manufacture, purchase, possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device.

Sec. 32-3. Same—Exceptions. The preceding section 32-2 shall not apply to peace officers or any persons summoned by any such officer to assist in making arrests or preserving the peace while he actually is engaged in assisting such officer.

Sec. 32-11. License required to engage in business or to sell or give away deadly weapons. It shall be unlawful for any person to engage in the business of selling or to sell or give away any pistol, revolver, * * * or other deadly weapon, which can be concealed on the person without securing a license so to do.

Sec. 32-17. Limitations on sale or gift of deadly weapons; exception. It shall be unlawful for any person to sell, barter, or give away to any person within the village, any deadly weapon mentioned in section 32-11, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as hereinafter required. This section shall not be construed to apply between licensed dealers.

Sec. 32-18. Purchaser required to secure permit to purchase deadly weapon; application; fingerprinting; grounds for disapproval; fee. It shall be unlawful for any person to purchase any deadly weapon mentioned in section 32-11, which can be concealed on the person without first securing from the chief of police a permit so to do. * * * * *

Sec. 32-36. License required to engage in business. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer or other firearm, which can be concealed on the person without securing a license so to do.

Fox River Valley Gardens Village

Section 7. Unlawful use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (5) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (6) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limted to black powder bombs and Molotov cocktails; * * *

Franklin Park

17-202. Affidavit required for sales. (a) No person licensed under the provisions of this article having secured such a license, shall sell or give away any deadly weapons as defined in this division to any person within this village who has not filled out, signed and had witnessed by a notary public a federal firearms affidavit.

(b) It shall be unlawful, for any person to purchase any deadly weapon as defined in this article without filling out a federal firearms affidavit in writing * * * Upon witnessing the identification of the applicant, the officer of the company, clerk or secretary, holding a notary public seal from the state shall notarize the affidavit. It shall be the duty of the notary, upon witnessing the identification of the applicant to affix his notary seal and sign the affidavit, refusing any applicant whom he concludes is a minor, lacks proper identification, shows physical signs of being a narcotic, or is unemployed.

17-211. Required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the village, any deadly weapon as defined in this article, without securing a license so to do as provided in this division and the general licensing provisions of this chapter.

Geneva

19-10. Unlawful use of weapons.

(a) It shall be unlawful for any person to commit the offense of unlawful use of weapons.

(b) A person commits the offense of unlawful use of weapons when he knowingly: * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufacturers, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

Gibson City

8.21 Illegal to Sell Firearms and Other Devices to Persons Under Twenty-One. No person shall within the corporate limits of the City, sell to any person under the age of twenty-one (21) any gun, pistol, fowling piece, * * * or other firearm or device which is calculated or intended to propel or project a bullet, pellet * * * or similar projectile, without written permission of parent or guardian.

Glencoe

Sec. 24-49. Same—Sale of weapons which can be concealed. It shall be unlawful to sell any firearms which can be concealed on or about the person in the village.

Sec. 24-50. Same—Sale, etc., to minors. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, or any air gun or ammunition for any firearm or air gun within the village.

Glendale Heights

Sec. 13-72. Unlawful use of weapons. * * * * *

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Sells, manufactures, purchases, possesses or carries any weapon from which

more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

Sec. 13-73. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms, which shall be a violation of this Code, when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age;

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(c) Sells or gives any firearm to any narcotic addict;

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction;

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years;

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made; however, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard or other similar employment;

(2) A mail-order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois;

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or

(4) The sale of a firearm when another firearm is traded in for the firearm purchased, in whole or in part.

Sec. 13-74. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition, which shall be a violation of this Code, when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person;

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearm or firearm ammunition in his possession;

(c) He has been convicted of a felony under the laws of Illinois or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearm or firearm ammunition in his possession;

(d) He is a narcotic addict and has any firearm or firearm ammunition in his possession;

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearm or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearm or firearm ammunition in his possession.

Glen Ellyn

6-2-3.13: Weapons: (E) Sales to Intoxicated Persons and Minors: No person shall purchase from or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, or to any person in a condition of agitation or excitability, or to a minor under the age of eighteen (18) years.

Granite City

Ordinance 1863

Section 1: It shall henceforth be unlawful for any person, firm, or corporation to sell, display for sale, or offer to sell to any minor, any revolver, pistol, shotgun or rifle * * *

Section 2: It shall be unlawful to sell or offer to sell to any minor any shell, cartridge, charge, pellet, ammunition or other device to be used, discharged or propelled from any of the items mentioned in Section 1 hereof.

Section 3: It shall be unlawful for any minor to have in his possession or to use, except within the confines of his own domicile, any of the weapons or items set forth in Sections 1 and 2 hereof or to purchase the same.

Hampton

Ordinance 276

* * * * *

Section 2. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Section 3. No person, firm, or corporation shall sell, give or loan to any alien or to any minor under the age of 18 years any firearm of a size which may be concealed upon the person.

Harvey

29-374. No person shall sell, loan, or furnish to any minor, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm, in which any explosive substance can be used, * * * or any similar weapon or device within the city, * * *

Harwood Heights

29-1. License: It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon * * *

29-5. Permit: It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or weapon of like character, without first securing from the Village Clerk a permit so to do. * * *

29-6. Refusing Permit: It shall be the duty of the Chief of Police to refuse his approval of such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

Hialeah

Ordinance 897

Section 1. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol * * * to any minor under seventeen (17) years of age.

Section 2. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol * * * to any minor between the ages of seventeen (17) and twenty-one

(21) years of age without the express written approval of one of the parents of such a minor, or the legal guardian of such minor.

Highland Park

134.001. Definitions: For the purpose of this chapter. (A) The term "person" includes any individual, corporation, company, association, partnership, society or joint stock company.

(B) The term "hand gun" means any device, or part of a device, by whatever name known, which is designed or may be readily converted to expel a projectile or projectiles by the action of an explosive, expansion of gas or air, or escape of gas or air, having an overall length of 18 inches or less and designed to be held and operated with and by one hand.

(C) The term "Chief of Police" means the head law enforcement officer of the City of Highland Park or his duly authorized agent.

134.002. Manufacture, assembly, sale prohibited—special permit. No person shall engage in the business of manufacturing, assembling or selling, within the corporate limits of the City of Highland Park, any hand gun as defined in Section 134.001 of this Code, except in compliance with the provisions of this Chapter. No person shall engage in the business of manufacturing, assembling or selling such hand guns without first having been granted a special permit therefor by the City Council. No such permit shall be granted to any person ineligible to register a hand gun in accordance with the requirements of Sections 134.007 and 134.010, nor to any person who fails to meet the standards for Federal and Illinois Dealer's licenses.

Hillsdale

(A) It shall be unlawful for any person to: * * * * * 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots, or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18) in length, or any bomb, bomb-shell, grenade, bottle or other container containing explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * * * *

Hodgkins

1. License to sell, loan or give away: It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within the Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Hoffman Estates

29-1. License: It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon * * *

29-5. Permit: It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or weapon of like character, without first securing from the Village Clerk a permit so to do. * * *

Homewood

53.18 Dealers in weapons. (a) Definition. The term "deadly weapon" as used in this section shall include any pistol, * * * derringer, * * * or any other object of similar nature which can be concealed on the person.

(b) License Required. No person shall engage in the business of selling or sell or give away any deadly weapon without a license. * * *

(c) Sale Procedure. 1. No deadly weapon shall within the Village be sold, traded or given to any person who fails to present a permit to purchase issued by the Chief of Police. * * * * *

(d) Purchase Permit. It shall be unlawful for any person to purchase or receive any deadly weapon which can be concealed on the person without first obtaining a permit so to do from the Chief of Police. * * *

(e) Gunsmiths. No person shall engage in the business of repairing any pistol, revolver, derringer or other firearm which can be concealed on the person without a license. * * * * *

53.19 Sale of weapons to minors. No person shall sell, loan, or furnish to any minor, any gun, pistol or other fire-arm, * * * or ammunition for any fire-arm * * *, within the limits of the Village.

Island Lake

7. Unlawful use of weapons. (5) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(6) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails * * *.

Jerseyville

Sec. 20-66. Unlawful use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Sec. 20-67. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age;

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(c) Sells or gives any firearm to any narcotic addict;

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of the state or any other jurisdiction;

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years;

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been

made; however, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard or other similar employment;

(2) A mail-order sale of a firearm to a nonresident of the state under which the firearm is mailed to a point outside the boundaries of the state;

(3) The sale of a firearm to a nonresident of the state while at a showing or display recognized by the state department of public safety;

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part; or

(5) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

Joliet

Sec. 32.19. Licensed required. It shall be unlawful for any person to engage in the business of selling or to sell or offer to sell or give away to any person within the city any pistol, rifle, shotgun, revolver, * * * or other weapons of like character without first securing a license to do so. * * *

Sec. 32.21. Sales to minors. None of the articles governed by this article or of like character, shall be sold to any minor.

Sec. 32.22. Permit required for concealable weapons; application; contents; ineligible applicants. (a) No sale of any revolver, pistol, * * * or other deadly weapon which can be concealed on the person shall be made by any licensee under this article to any purchaser unless the purchaser shall first exhibit to the licensee a permit for the purchase thereof, issued by the chief of police of the city.

(b) Before any permit required by this section is granted, an application in writing shall be made to the chief of police [contact local authorities for required contents]. * * *

La Grange

Sec. 115-320. Weapons. No pawnbroker shall receive or have in his possession as a pledge or purchase, any revolver, pistol, machine gun, * * * or sawed-off shotgun, or display in his window or shop any such weapons for sale.

Sec. 136-1. Unlawful use of weapons.

(A) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * *.

* * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Lake Bluff

52.02. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece, or other firearm within the limits of the Village of Lake Bluff.

Leroy

42.03 (b) No person shall sell, give or transfer any [concealed pistol] to any minor person.

Lindenhurst

41.01 Gun dealers—license required. No person shall engage in the business of selling or sell or give away any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so as provided in Chapter 31.

41.06 Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the Village any deadly weapon mentioned in this section except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Village Marshal as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the Village.

41.07 Permit to purchase weapon. It shall be unlawful for any person to purchase any deadly weapon mentioned in this section without first securing from the Village Marshal a permit to do so. * * *.

41.08 Revocation of license. In case the Village Marshal revokes a license for the selling of such weapons, no other such license shall be issued to such licensee for a period of three (3) years thereafter.

41.09 Gunsmiths—license required. No person shall engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license to do so as provided in chapter 31.

Lockport

15-1. License—manner of issuance. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell, or offer for sale or give away to any person within the City limits any pistol, rifle, shotgun, revolver, * * * or other weapons of like character without securing a license to do so. * * *

15-3. Sale to minors. None of the articles enumerated above, or of like character, shall be sold to any minor.

15-5. Permit. No sale of any revolver, pistol, * * * or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless said purchaser shall first exhibit to said licensee a permit for the purchase thereof, issued by the Chief of Police of this City. * * *

Lombard

9.16.040 Selling firearms to minors unlawful. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, in which any explosive substance can be used, within the limits of the village.

Loves Park

Sec. 13-15. Furnishing ammunition to, acquisition by, minors. It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, pellet, * * * or other missile or projectile to any person under the age of eighteen (18) years and it shall be unlawful for any person under the age of eighteen (18) years to obtain any ammunition, ball, bullet, pellet, * * * or any other missile or projectile by purchase, sale or gift, or in any other manner.

Sec. 13-50. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * * * *

Lyndon

Sec. 147—Selling Fire Arms to Minors. No person shall sell, loan, or furnish to any minor any gun, pistol, fowling piece, or other fire arm.

Manteno

3-15-1: License required; It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any

pistol, revolver * * * derringer * * * or other deadly weapon which can be concealed on the person without securing a license to do so.

* * * * *

3-15-5: Restrictions on sales and gifts: It shall be unlawful for any person to sell, barter or give away to any person within the Village any deadly weapon mentioned in this Chapter which can be concealed on the person without first securing from the Police Chief a permit to do so. The Police Chief may require such information from such applicant as he deems reasonable and necessary.

3-15-6: Permit: It shall be unlawful for any person to purchase any deadly weapon mentioned in this Chapter which can be concealed on the person without first securing from the Police Chief a permit so to do. The Police Chief may require such information from such applicant as he deems reasonable and necessary. No such permit shall be issued to one convicted of any crime or to a minor.

Marquette Heights

Unlawful use of Weapons:(A) It shall be unlawful for any person to: * * * * * 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or 7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Maywood

8.259 It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer * * * or other deadly weapon which can be concealed on the person, without securing a license so to do.

8.264 It shall be unlawful for any person to sell, barter, or give away to any person within the Village, any deadly weapon mentioned in Section 8.259, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the Village.

8.265 It shall be unlawful for any person to purchase any deadly weapon mentioned in Section 8.259, which can be concealed on the person without first securing from the Chief of Police a permit so to do. * * *

8.268 It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

McCook

9-10-3. License to sell: Firearms for the purposes of this Chapter are pistols, revolvers, guns, and small arms of a size and character that may be concealed upon or about the person. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. And no person, having secured such license, shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

9-10-4. Purchasers of firearms: No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen (18) years of age or an alien. * * *

9-10-8. Sale or gift: No person shall sell or give to any alien or to any minor under the age of eighteen (18) years any firearm of a size which may be concealed upon the person.

Melrose Park

93.1 Generally: * * * No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, within the corporate limits of the Village of Melrose Park. * * * No person, firm or corporation shall engage in the business of selling or sell or give away to any person within the Village of Melrose Park, any pistol, revolver, derringer, * * * or other weapon, of like character which can be concealed on the person, and no person, firm or corporation having secured such a license, shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police or President of the Village to purchase such weapon * * *

93.2 License to sell firearms: Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in the foregoing Section shall make application in writing to the President of the Village * * *

93.3 Other requirements:

* * * * *

(b) It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police or the President of the Village a permit so to do. * * *

Midlothian

6-4-4: Sale to minors prohibited: It shall be unlawful to sell, loan or give, to any person under the age of eighteen (18) years any * * * weapon capable of projecting or discharging projectiles of any type by any force, * * *.

It shall be unlawful to sell, loan or give to any person under the age of eighteen (18) years any amunition, * * * with any of the weapons referred to in the foregoing provisions of this Section.

6-4-5: Sale of shotguns and shells; license: It shall be unlawful for any person to engage in the business of selling shotguns or shotgun shells in the Village without securing a license so to do.

* * * * *

6-4-8: Shotguns; sale to minors: It shall be unlawful to sell a shotgun or shotgun shells to any person under the age of twenty-one (21) years.

* * * * *

Moline

Sec. 27-47. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or * * * * *

Sec. 27-48. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this state or any other jurisdiction; or

(e) Sells or gives any firearm to any person

who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made. However, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of the state under which the firearm is mailed to a point outside the boundaries of the state; or

(3) The sale of a firearm to a nonresident of the state while at a showing or display recognized by the state department of public safety; or

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part; or

(5) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

Monmouth

Sec. 18-38. Same—Selling or furnishing firearms to minors. It shall be unlawful for any person within the city to sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, fowling piece or other firearms.

Montgomery

Sec. 12-17. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons, which shall be a violation of this Code, when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * * * *

Sec. 12-18. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms, which shall be a violation of this Code, when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part.

Sec. 12-19. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition, which shall be a violation of this Code, when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(c) He has been convicted of a felony under the laws of Illinois or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(d) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Morrison

9.76.070. It shall be unlawful for any person to permit, suffer, or allow any child under the age of 18 years to handle or have in his possession within the City of Morrison, any cannon, gun, pistol, or any toy gun or cannon, or toy pistol or air gun, or any other similar weapon, or any firearm of any description, which is a deadly weapon, * * *.

Morton Grove

132.100 Selling deadly weapons; sales to minors. (B) No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the village any gun, pistol, revolver, fowling-piece, or other firearm, or any toy gun, toy pistol, toy fowling-piece, or other toy firearm in which any explosive substance can be used * * * * *.

Mount Carmel

Article V. Weapons

Sec. 16-95. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition when he:

(1) Is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) Is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) Has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from a penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) Is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) Has been a patient in a mental hospital within the past five (5) years and has any fire-

arms or firearm ammunition in his possession; or

(6) Is mentally retarded and has any firearms or firearm ammunition in his possession.

Sec. 16-98. Defacing identification marks of firearms.

(a) It shall be unlawful for any person to change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

New Boston

5-2-2-12: Sale of firearms or weapons to minors prohibited: (A) It shall be unlawful for any person to sell to any minor person any firearm, * * *

Niles

22-44. Affidavit to purchase firearms.

(a) It shall be unlawful for any person dealing in firearms to sell, barter, loan, or give away to any person within the village any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have filed with the dealer an affidavit * * *.

(b) The following persons are covered by the section and not eligible to purchase a firearm:

(1) Any person convicted of a felony;

(2) Any minor under the age of eighteen (18) years;

(3) A narcotic addict.

22-45. Selling, furnishing firearms to minors. It shall be unlawful for any person to sell, give, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, rifle, revolver or other firearm within the corporate limits of the village.

Norridge

Section 1. License. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, Derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Section 5. Permit. It shall be unlawful for any person to purchase any pistol, revolver, Derringer, * * * or weapon of like character, without first securing from the Village Clerk a permit so to do. * * *

Section 6. Refusing Permit. It shall be the duty of the Chief of Police to refuse his approval of such permit to: (a) All persons having been convicted on any crime, (b) All minors, (c) All persons who, in his opinion, are not of good moral character.

* * * * *

North Pekin

6-2-3-15: Unlawful use of weapons: (A) It shall be unlawful for any person to: * * * * *

6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Northbrook

17.25 Unlawful Use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length

* * * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

17.26 Exemptions * * * * * (c) Paragraph 17.25 (g) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this paragraph 17.26 (c) to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible. * * * * *

O Fallon

27.60 Unlawful Use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

* * * * *

27.61 Unlawful Sale of Firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person, to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun, or other long gun for at least twenty-four (24) hours after application for its purchase has been made.

However, this paragraph shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(4) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

27.63 Register of Sales by Dealer. (a) Any seller of firearms of a size which may be concealed upon the person, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.

* * * * *

27.64 Defacing Identification Marks of Firearms.

(a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a misdemeanor.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Oak Park

45.1—Definition of "Firearms". "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed on or about the person.

45.2—Sale or Rental of Firearms. It shall be unlawful to sell, loan, rent or give away any firearms or firearm ammunition to any of the following:

(a) A person under twenty-one (21) years of age, except that this provision shall not prohibit the use of a firearm by a person under twenty-one (21) years of age in a supervised target shooting program;

(b) A narcotics addict;

(c) A person convicted of a felony within five (5) years of release from a penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed;

(d) Any person who has been a patient in a mental hospital within the past five (5) years;

(e) A person who is mentally retarded.

45.3—Application and Permit to Purchase or Rent. No person shall be allowed to purchase or rent a firearm without a permit for said transaction having been issued by the Village of Oak Park. A separate permit shall be required for each firearms transaction. * * * * *

(h) No firearm shall be delivered to the purchaser or renter until a valid permit therefor has been issued to the seller by the Village of Oak Park, said permit bearing the endorsement thereon of both the Chief of Police and the Village Manager of Oak Park.

* * * * *

45.4—License to Deal in Firearms—Required. It shall be unlawful for any person to engage in the business of selling or renting, or to sell, rent, loan or give away, to any person, any firearm as defined in Section 45.1 of this Code, without securing a license for said dealings.

Oakbrook Terrace

Sec. 21-2. Sale, etc., of Firearms or Airguns to Minors. It shall be unlawful for any person to sell or give away to any minor any firearm which can be concealed on the person within the corporate limits of the city.

Sec. 21-5. Sales of Firearms—Registration. All persons dealing at retail within the city in one or more of the following firearms:

(a) Firearms of a size which may be concealed upon the person; (b) Shotguns; (c) Rifles: (d) Firearms of any description not above enumerated; shall keep a register of all such firearms sold or given away by them. Such register shall contain [such information as is required by Oakbrook Terrace; contact local authorities for requirements] * * *. A Firearm Transaction Record Form 4473 is sufficient and shall satisfy the requirements of this section.

Sec. 21-6. Same—Purchase Approval; Inspection of Premises Where Sold, etc. It shall be unlawful for any person to sell or give away to any person within the city any firearm, unless such person so purchasing or receiving such firearm shall have a valid state gun owner's identification card and shall have secured approval for the purchase of such firearm from the chief of police [contact local authorities concerning those categories of persons not eligible for such approval]. It shall be the duty of every person selling or giving away firearms to receive and keep such written approvals from the chief of police in a permanent file for inspection purposes. Every such person with a license to deal in firearms shall, on demand, allow the chief of police or his deputy to enter his premises during normal business hours for inspection of all stock on hand and shall, on request of such officer, produce for inspection all written approvals issued by the chief of police for the sale of such firearms and the register required to be kept by section 21-5.

* * * * *

In case the chief of police shall find the applicant [qualified] * * * it shall be his duty to grant such approval.

The chief of police shall complete such investigation within the waiting period prescribed under state law prior to delivery, unless extenuating circumstances are shown.

Sec. 21-7. Same—Bartering. The approval required by section 21-6 shall not be required when bartering one fireable firearm for another fireable firearm. However, the individual must possess the valid state gun owner's identification card, and the information provided for in section 21-5 must be furnished to the chief of police on the day of the barter.

Oregon

8-6-3: Firearms: No person shall sell, loan, exchange, deliver or give away to any minor any gun, pistol, fowling piece or other firearm within the corporate limits of the City.

Park Forest South Village

Ordinance 41

XXXIV. Weapons A. It shall be unlawful for any person to carry or possess any dangerous or deadly weapon in violation of Article 24 of the Illinois Criminal Code.

* * * * *

Peoria

41-4. License to sell, etc.—Required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon, which can be concealed on the person, without securing a license so to do.

41-8. Required Certificate and Thumb Print. It shall be unlawful for any person to sell, barter, or give away to any person within the City, any deadly weapon mentioned in Section 41-4 of this Code, except to licensed dealers, without first obtaining from the person receiving such deadly weapon a signed statement [contact local authorities for required contents] * * * and which shall contain a thumb print from the person receiving such weapon. Such thumb print shall be the right-hand thumb print unless circumstances prevent, in which case it shall be the left-hand thumb print. All such information required by this section shall be entered upon forms provided by the Superintendent of Police for that purpose.

Sec. 41-11. Restriction on sale. It shall be unlawful for any person to sell, barter or give away, to any person within the city, any deadly weapon mentioned in section 41-4 of this Code, to any person known to him to be under twenty-one (21) years of age or of unsound mind or under indictment or a drug addict or a fugitive from justice or who has been convicted of a crime of violence.

Sec. 41-13. Registration. All persons who have in their possession any pistol, revolver or gun, which may be concealed on the person, shall register such gun or pistol with the superintendent of police, setting forth the caliber, make, model and manufacturer's number of the weapon. No fee shall be required for such registration.

Peoria Heights

Section 1. License required. It shall be unlawful for any person to engage in the business of selling any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so from the Village Clerk.

Section 5. Restrictions on sale or gift. It shall be unlawful for any person to sell, barter, or give away to any person within the Village any deadly weapon mentioned in Section 1 hereof, to any person known to him to be under twenty-one (21) years of age, of unsound mind, or under indictment, or a drug addict, or a fugitive from justice, or who has been convicted of a crime of violence.

Pinckneyville

Sec. 39. Minors not to have certain weapons. No person, not being the father, guardian or employer of a minor, shall, by himself, agent, servant, or employee, directly or indirectly, sell, give, loan, hire or barter to any such minor, within the city, any pistol, revolver, derringer, * * *.

Posen

Chapter 8, Title VIII Posen Village Code

8-8-1: Definitions. For purposes of this Ordinance—A. "Deadly Weapons" means pistols, derringers, revolvers or other handguns of such size or nature that they may be concealed on or about the person, short-barreled shotguns and short-barreled rifles. Deadly weapons do not include any antique firearm. Deadly weapons do not include any firearm which is not designed to or may not readily be converted to expel a projectile by the action of an explosive.

B. "Short-Barreled Shotguns" means shotguns having one or more barrels less than eighteen inches in length.

C. "Short-Barreled Rifles" means a rifle having one or more barrels less than sixteen inches in length.

D. "Antique Firearm" means: (1) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(2) any replica of any firearm described in subsection 8-8-1 - D - (1), if such replica (a) is not designed or redesigned for using rimfire or conventional center-fire fixed ammunition, or (b) uses rimfire or conventional center-fire fixed ammunition which is not longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

E. "Dealer" means any person, firm or corporation—

(1) engaged in the business of selling firearms at wholesale or retail,

(2) engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or

(3) any person who is a pawnbroker.

F. "Licensed Dealer" means any dealer who is validly licensed as a dealer under the provisions of Chapter 44 of Title 18 of the United States Code.

G. "Licensed Collector" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is validly licensed as a collector by the Secretary of the Treasury of the United States under the provisions of Chapter 44 of Title 18 of the United States Code.

H. "Sale or Other Transfer" means any sale, gift, exchange, loan, rental or other transfer of a deadly weapon, but does not include any of the following:

(1) acquisition of a deadly weapon as the executor, administrator or other legal representative of a decedent's estate, or

(2) transfer of a deadly weapon by bequest or intestate succession, or

(3) acquisition or transfer of a deadly weapon by a trustee in bankruptcy in the administration of a bankrupt's estate, or

(4) return of a deadly weapon to a person, firm or corporation from whom it was received, or

(5) transfer of a deadly weapon where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction, or

(6) transfer of a deadly weapon to any Federal, State or Local government, or any department, agency, bureau, institution or commission thereof, of

(7) transfer of a deadly weapon to a private museum, society institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes, or

(8) loan or rental of a deadly weapon solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

8-8-2: Unlawful sale or other transfer of deadly weapons. It shall be unlawful for any person, firm or corporation to make any sale or other transfer of a deadly weapon in the Village of Posen, Illinois, to any person, firm or corporation other than the following:

A. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with any of the regular armed forces, military services or reserve organizations of the United States.

B. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with the organized militia of any State.

C. Persons who are required or authorized to possess and use a deadly weapon incident to their employment by any Federal, State or Local government thereof, specifically including by way of example but not limited to:

(1) Peace Officers;

(2) Wardens, Superintendents and Keepers of prisons, penitentiaries, jails or other institutions for the detention of persons accused or convicted of an offense; and

(3) Agents and Investigators of the Illinois Legislative Investigatory Commission authorized by the Commission to carry weapons.

D. Licensed detectives and employees of licensed detective agencies as defined in Illinois Revised Statutes, Chapter 38, Section 201-1, as now or hereafter amended.

E. Special agents employed by a railroad or public utility to perform police functions.

F. Watchmen, bank guards, armed truck guards or other similar private security personnel, in accordance with the provisions of Section "8-8-11" of this Ordinance.

G. A licensed collector of deadly weapons.

H. A licensed dealer in deadly weapons.

8-8-3: Dealer license required. No person, firm or corporation shall engage in the business of a dealer in deadly weapons in the Village of Posen, Illinois, without securing a license therefor.

8-8-4: Application for dealer's license. An application for the license required by Section 8-8-3 shall be made in writing to the Village of Posen Clerk on such suitable forms provided or approved by him [contact local authorities for required contents] * * *. * * *

8-8-5: Dealer's license fee. The license fee shall be $25.00 per year or such other sum as may be established by ordinance. The license shall expire on April 30th following the date of issuance. The fee for a license issued for less than one year shall be prorated.

8-8-6: Denial or issuance of license. It shall be the duty of the Village Clerk to refuse the license required by Section 8-8-3 to any person, firm or corporation which fails, refuses or is unable to comply with all of the

requirements; * * *; otherwise, * * * it shall be the duty of the Village Clerk to issue such license.

* * * * *

Rantoul

18.53 Illegal to Sell Firearms and Other Devices to Persons Under Twenty-One. No person shall within the corporate limits of the Village, sell, loan or furnish to any person under the age of twenty-one any gun, pistol, fowling piece, * * * or other firearm * * *.

Red Bud

261. Selling Weapons to Minors or Intoxicated Person. Section 58. Whoever shall, within the limits of this City, by himself or agent, sell, give, loan, hire or barter, or offer so to do, to any minor, or intoxicated person any pistol, revolver, derringer, * * * shall be deemed guilty of a misdemeanor.

Riverdale

911. In addition to all other applicable requirements in this Code, the intrastate transportation of small arms ammunition, small arms ammunition primers, smokeless propellants and black powder propellants shall be in accordance with current U.S. Department of Transportation regulations.* * *

15.3301—Definitions. The term "gunshop" is hereby defined to mean any building, room, enclosure, premises, place, establishment or part of establishment in the Village of Riverdale operated and maintained or conducted for the sale or offer for sale at retail any of the following articles: rifles, shotguns, pistols and loaded shot shells or cartridges.

15.3302—License. No person shall engage in the business of a gunshop or a shooting range without first having obtained a license therefor.

29.216 * * *No person shall sell, loan or furnish to any minor, any gun, pistol or any other firearm, or any toy gun, pistol or other toy firearm, in which any explosive substance can be used.

* * *

Rochester

6-1-14: Weapons: * * *It shall be unlawful for any minor to have in his possession any firearms.

* * *

Rockford

Sec. 19-48. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails;

* * * * *

Sec. 19-52. Furnishing bullets, pellets, arrows, etc., to minors. It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, * * * to any person under the age of eighteen (18) years and it shall be unlawful for any person under the age of eighteen (18) years to obtain any ammunition, ball, bullet, * * * by purchase, sale or gift, or in any other manner.

Rockton

Section 13. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any devise or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (7) Sells, manufactures, purchases or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bomb and Molotov cocktails * * *

* * * * *

(c) Section 13, subsection (a) (7) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided the machine guns are broken down in a non-functioning state or not immediately accessible.

Rockwood

18-1. Unlawful use of weapons. a. A person commits the offense of unlawful use of weapons when he knowingly: * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm: or (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails.

18-2. No person, firm or corporation in the Village of Rockwood, shall sell, give or loan to any person under the age of 18 years of age any firearm or other deadly weapon, without the consent of the parent or guardian of such minor.

Rolling Meadows

13-36. Same—Handling, possession by minors. (a) Prohibited. It shall be unlawful for any parent or guardian of any child under the age of eighteen (18), to permit, suffer or allow any such child to handle or have in his possession within the city any cannon, gun, pistol * * *

Roscoe

Sec. 13-9. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black power bomb and Molotov cocktails; or

* * * * *

Sec. 13-10. Unlawful use of weapons—Exemptions. * * * * * (c) Subsection (a) (7) of section 13-9 shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such,

provided that the machine guns are broken down in a non-functioning state or not immediately accessible.

* * * * *

St. Charles

28.039 Unlawful Use of Weapons. It shall be unlawful to, and a person commits the offense of unlawful use of weapons when he knowingly: * * *

F. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

G. Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * *

Schaumburg

Sec. 20-56. [Weapons]—Sales or gifts to minors. It shall be unlawful for any person to sell or give to any minor any pistol, revolver or other firearm that may be concealed upon the person within the corporate limits of the village.

* * * * *

Sec. 20-60. Same—Same—Permits generally; police inspection of retailers. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the village any pistol, revolver or any other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a valid firearm owner's identification card from the department of public safety of the state. Every such person dealing in firearms shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection the register so required to be kept.

Sec. 20-61. Same—Same—Permits for nonresidents. The provisions of this article requiring a state firearm owner's identification card and number do not apply to nonresidents who are currently licensed or registered to possess a firearm in their resident state.

* * * * *

Sibley

43.03 Weapons. * * * (b.) No person shall sell, give or transfer any such weapon (concealed pistol or any other weapon) to any minor person.

Skokie

27-17. Permit. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Skokie, any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police, * * *.

27-18. Minors. It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, rifle, revolver or other firearm within the corporate limits of the Village.

South Beloit

Sec. 18-10. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bomb and Molotov cocktails;

* * * * *

(c) Subsection (a) (7) of section 18-10 shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided that the machine guns are broken down in a non-functioning state or not immediately accessible.

* * * * *

South Elgin

18. Unlawful use of weapons. No person shall commit the offense of unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(1) sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * *

(6) possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Springfield

31.45. Minors not to handle or possess firearms, * * * etc. It shall be unlawful for any parent or guardian of any child under the age of eighteen, to permit, suffer or allow any such child to handle or have in his possession within the city, any cannon, gun, pistol * * *

Steger

Sec. 130.701 Unlawful use of weapons. (A) A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails;

* * * * *

Sec. 130.702 Unlawful sale of firearms. (A) A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen years of age; or

(2) Sells or gives any firearm to a person under twenty-one years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(3) Sells or gives any firearm to any narcotic addict; or

(4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed; or

(5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five years; or

(6) Sells or gives any firearms to any person who is mentally retarded; or

(7) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two hours after

application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four hours after application for its purchase has been made. However, this paragraph shall not apply to:

(a) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment; or

(b) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(c) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(d) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

(B) While holding any license under the Federal "Gun Control Act of 1968," as amended, as a dealer, importer, manufacturer, or pawnbroker; manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph "firearm" is defined as in "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith," approved August 3, 1957, as amended;

2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

(C) Paragraph (B) of this section shall not include firearms sold within six months after enactment of this amendatory ordinance nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within six months after the enactment of this amendatory ordinance be subject to confiscation or seizure under the provisions of this amendatory ordinance. Nothing in this amendatory ordinance shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within six months after the enactment of this amendatory ordinance.

* * * * *

Sec. 130.703 Unlawful possession of firearms and firearm ammunition. (A) A person commits the offense of unlawful possession of firearm ammunition when:

(1) He is under eighteen years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under twenty-one years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or in any other jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

* * * * *

Stickney

Ordinance 75-14

Section 1. Definition. "Firearms" for the purposes of this Ordinance, are Pistols, Revolvers, Derringers, Handguns or small arms of such size and nature that may be readily concealed on or about the person.

Section 2. License Required. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, lease, loan or give away to any resident of the Village of Stickney, any firearms which are of such size or nature as may be readily concealed on or about the person, without securing a license therefor.

Section 3. Unlawful Sale. It shall be unlawful for any seller of firearms to sell, lease, loan or give away any firearm to any person residing in the State of Illinois unless such person shall have been issued a Firearms Owners Identification Card as provided in the "Criminal Code of 1961" as amended, or to sell firearms in violation of the provisions of the "Criminal Code of 1961" as amended, or in violation of the provisions of any Federal Act regulating the sale of Firearms.

Section 4. Permit Required. It shall be unlawful for a seller of firearms to sell, lease, loan or give away any firearms to any resident of the Village of Stickney who has not secured a permit from the Chief of Police to purchase such firearm as hereinafter provided.

Streamwood

19.1001. Definition of firearm. Firearm for the purpose of this article is a pistol, revolver, gun and small arms of a size and character that may be concealed upon or about the person.

19.1005. Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

19.1006. License and permit to deal in firearms. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. No person, having secured such license, shall sell, loan or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

Sugar Grove

15. Unlawful use of weapons: A person commits the offense of unlawful use of weapons when he knowingly:

1. Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * * or

* * * * *

6. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Summit

6-7-1: License required: It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon, * * * or any toy firearms or other toy in the nature of a firearm in which any bullet, pellet, or other object can be expelled by means of air pressure or any explosive substance without securing a license so to do, and no person having secured such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

Swansea

27.28 Unlawful possession of firearms and firearm ammunition. (a) A person commits the offense of unlawful possession of firearms or firearm ammunition when: (1) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms of firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

27.30 Defacing identification marks of firearms.

(a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a Class A misdemeanor.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Tremont

Sec. 6-2-3-15 Unlawful use of weapons a) It shall be unlawful for any person to:

* * * * *

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Towanda

42.03 Weapons. * * * (b) No person shall sell, give or transfer any such weapon ("pistol, * * * or any other weapon or thing of deadly character") to any minor person.

Tuscola

Sec. 18-51. (Weapons)—Selling or furnishing to minors. Whoever, not being the father, guardian or employer of a minor by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, * * * or other deadly weapon of like character, capable of being secreted upon the person shall be subject to penalty as provided by section 1-8 of this Code.

Urbana

Sec. 21.55. Weapons—Unlawful use and possession, and exemptions. (1) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (g) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * *

* * * * *

(4) **Exemptions.** * * * * *

(c) Section 21.55 (1)(g) does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails or other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the armed services or reserve forces of the United States or the Illinois National Guard while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or not immediately accessible.

(d) Section 21.55 (1)(g) does not apply to the purchase, possession or carrying of a blackjack or slung-shot by a peace officer.

* * * * *

21.56. Weapons—infants. Any person who, not being the father, guardian or employer of a minor, by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, * * * capable of being secreted upon the person, shall be subject to the penalties set out in section 1.6 of this Code.

Venice

9-5-4: Weapons: No pawnbroker shall receive as a pledge or purchase any revolver, pistol, * * * or sawed-off shotgun; and no pawnbroker shall display in his window or shop any such weapons for sale.

Washington

16-26. Same—Selling, etc., weapons to prohibited. No person shall sell, give, loan, hire, barter or furnish, to any minor within the city, any gun, pistol, revolver, fowling-piece or toy firearm, in which any explosive substance can be used, * * *.

Washington Park

Unlawful possession of firearms and firearm ammunition: A person commits the offense of unlawful possession of firearms or firearm ammunition when: (a) he is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; (b) he is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or (c) he has been convicted of a felony under the laws of this or any other jurisdiction within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or (d) he is a narcotic addict and has any firearm or firearm ammunition in his possession; or (e) he has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or (f) he is mentally retarded and has any firearms or firearm ammunition in his possession.

Unlawful use of Weapons A person commits the offense of unlawful use of weapons when he knowingly * * * * * (f) possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

* * * * *

Wauconda

2103.3. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly: (1) Sells, manufactures, purchases, possesses or carries any * * * shotgun with barrel less than 18 inches in length * * *.

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

2103.5. Unlawful sale of firearms. A person commits the offense of unlawful sale of

firearms when he knowingly: (a) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to any narcotic addict; or

(c) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Waukegan

24-121. Dealer's license—Required. No person shall engage in the business of selling or sell or give away any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so * * *

24-127. Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this division except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as required in this division. This does not apply to sales made of such articles which are to be delivered or furnished outside the city.

24-128. Purchase permit required; * * * It shall be unlawful for any person to purchase any deadly weapon mentioned in this division without first securing from the chief of police a permit to do so. * * *

24-135. License—Required. No person shall engage in the business of repairing any pistol, revolver, derringer or other firearm which can be concealed on the person without securing a license to do so * * *

26-27. Sale of weapons to minors, aliens prohibited. No person shall sell or give to any alien or to any minor under the age of eighteen (18) years any firearms or dangerous or deadly instruments of any character.

West Chicago

Ordinance 879

* * * * *

Section 4. (1) A Person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses, or carries any * * * shot-gun with a barrel less than 18 inches in length, * * *.

* * * * *

(d) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed places of business any pistol, revolver, or other firearm; or

* * * * *

(f) Possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses, or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

* * * * *

Western Springs

63.3 Fixed ammunition—license. Any person or corporation desiring a license for the sole purpose of keeping, selling, or giving away loaded ball cartridges or shot shells for use in rifles, pistols, or shotguns shall be entitled to a license upon application made as provided in chapter 27 of this code, provided that such licensee shall not have on hand at any one time more than 25,000 rounds of such ammunition.

Westmont

Sec. 17-21. Persons under twenty-one years of age prohibited from purchasing firearms or ammunition. No persons under the age of twenty-one (21) years shall purchase any firearms or ammunition of any type.

Wheaton

17-83. Enumeration of dangerous, deadly weapons. The term "dangerous or deadly weapon" as used herein shall include pistols, revolvers, rifles or other firearms, * * * and any other deadly weapons which, except for this article, may be lawfully possessed by any person.

17-84. Selling, furnishing to minors; exceptions. It shall be unlawful for any person to sell, give, or loan to any minor under the age of eighteen (18) years any deadly or dangerous weapon. * * *

17-93. License—Required. It shall be unlawful for any person to engage in the business of selling or otherwise dealing in dangerous or deadly weapons (hereafter called a dealer) in the city without securing a license therefor.

Wilmette

5-10.1 License required; * * * It is unlawful for any person to engage in the business of making, selling, or repairing firearms of any type, size or description without first having obtained a license therefor. * * *

5-10.2 Permit to purchase. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Wilmette firearms of any type, size or description, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police. * * *

Wilmington

132.075 Selling deadly weapons; sales to minors. (A) It shall be unlawful for any person to sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling piece, or other toy firearm in which any explosive substance can be used, * * * or other deadly weapon of a like character.

Winnetka

5-44. Weapons. No pawnbroker shall receive as a pledge or purchase any revolver, pistol, machine gun, or sawed-off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.

13-51. Weapons—Sale to minors prohibited. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, * * * or ammunition for any firearm * * *, within the limits of the village.

Worth

Sec. 40.2 Definition of 'firearms.' "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

Sec. 40.5 Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. [Contact local authorities for required contents] * * *. * * *

Sec. 40.6 License and permit to deal in firearms—required. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the Village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. No person, having secured such license, shall sell, loan or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

Sec. 40.10 Sale, etc., of firearms to infants or aliens. No person shall sell or give to any

alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Zion

28-1. **Unlawful use or carrying of weapons—Defined.** (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * *

28-2. **Same—Exemptions.** * * * * * (c) Subsection 28-1(a)(7) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided the machine guns are broken down in a nonfunctioning state or not immediately accessible. * * *

28-14. **To be licensed.** It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so.

28-20. **Restrictions on sale or gift.** It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this article except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police * * *

28-21. **Permit required to purchase;** * * * It shall be unlawful for any person to purchase any deadly weapon mentioned in this article which can be concealed on the person without first securing from the chief of police a permit so to do. * * *

28-34. **License required.** It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

28-48. **License, compliance required; exception.** It shall be unlawful for any person to engage in the business of selling, or to sell or give away any * * * toy firearms or other toy in the nature of a firearm in which any explosive substance can be used without securing a license so to do, and no person having secured such license shall sell, or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon * * *; provided that it shall not be necessary for any person licensed to sell deadly weapons to take out an additional license for the sale of the articles mentioned herein.

28-51. **Purchasers' permits required;** * * * It shall be unlawful for any person to purchase * * * any toy firearm or other toy in the nature of a firearm in which any explosive substance is used to expel a projectile without first securing from the chief of police a permit so to do. * * *

Indiana

State Law

Ind. Stat. Ann. (Burns)

Chapter 3
Possession and use of machine guns, explosives and poison gases

35-23-3-1 (10-4712). **Ownership or possession.** A person who owns or possesses: (1) A machine gun; or (2) A bomb loaded with either explosives or dangerous gases; commits a class C felony.

35-23-3-3 (10-4714). **Exceptions from application of chapter.** The provisions of this chapter [Secs. 35-23-3-1—35-23-3-3] shall not be construed to apply to any of the following named persons and acts, nor to apply under any of the following described circumstances, to wit: (a) To members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing; (b) to machine guns or bombs kept for display as relics and which are rendered harmless and not useable; (c) To any of the police, sheriffs or other officers of this state or the United States of America charged with the duty of law enforcement while acting within the scope of their employment and in connection with and in the furtherance of their duties; (d) To persons lawfully engaged in the display, testing or use of fireworks; or (e) To persons, firms, agencies of the state government; or corporations and the employees, servants, or agents of such persons, firms, agencies, or corporations authorized or permitted by law to engage in and engaged in the business of manufacturing, assembling, conducting research on or testing machine guns, bombs, airplanes, tanks, armored vehicles or ordnance equipment or supplies while or when acting within the scope of and in furtherance of such business; and (f) To persons, firms or corporations possessing, or having applied to possess machine guns under applicable United States Statutes, providing, that such machine guns shall also be transferred as are handguns, as provided in IC 1971, 35-23-4.1-7 [Sec. 10-4751g].

35-23-4.1-1 (10-4751a). **Firearms—Definitions.** As used in this chapter [Secs. 10-4751a—10-4751r]:

(a) The term "firearm" means any weapon which is capable of or designed to or which may readily be converted to expel a projectile with deadly force by means of an explosion;

(b) The term "handgun" means any firearm designed or adapted so as to be aimed and fired from one hand regardless of barrel length, or any other firearm with a barrel less than sixteen [16] inches in length, or an overall length of less than twenty-six [26] inches;

(c) The term "crime of violence" includes each of the following offenses or an attempt to commit any of them: murder, voluntary manslaughter, kidnapping for the purpose of ransom, rape, malicious mayhem, assault or assault and battery with intent to commit a felony, aggravated assault and battery, robbery, bank robbery, automobile banditry, and burglary in the first or second degree. The term also includes any felony or attempted felony in which bodily harm or the threat of bodily harm is directed against a human being or in which harm is done or threatened against a place of human habitation or employment;

(d) The term "person" includes firms, corporations, partnerships or associations, as well as human beings;

(e) The term "place of abode" means a place of residence which is more than temporary in nature and to which the dweller, when absent, intends to return;

(f) The term "superintendent" means the superintendent of the Indiana state police department;

(g) The term "retail" means the sale of handguns singly or in small quantities to one who intends to be the ultimate user thereof;

(h) The term "wholesale" means the sale of handguns singly or in bulk lots to one lawfully licensed to deal in the same, or the sale of a handgun or handguns to a governmental law enforcement agency for issue to its law enforcement officers, agents or employees;

(i) The term "dealer" means any person who holds himself out as a buyer and seller of handguns on a regular and continuing basis;

(j) The term "police officer" means any state, city, or town law enforcement officer who is employed with unlimited police authority on a full-time basis to enforce the laws of the state of Indiana.

* * * * *

35-23-4.1-6 (10-4751f). Prohibited sales or transfers. No person, except an individual acting within a parent-child or guardian-ward relationship shall sell, give or in any other manner transfer the ownership of a handgun to any person under the age of eighteen [18], and in no event shall any person sell, give, or in any manner transfer the ownership or possession of a handgun to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or is a habitual drunkard, or is of unsound mind.

35-23-4.1-7 (10-4751g). Persons to whom regulations apply—Waiting period—Application for sale or transfer of handgun—Fingerprints—Fee. The regulation of the sale of handguns imposed by this chapter [35-23-4.1-1—35-23-4.1-18] shall apply equally to an occasional sale, trade or transfer between individual persons and to retail transactions between dealers and individual persons.

(a) Except as otherwise provided in this section, this section does not apply to sales at wholesale. No transferor shall deliver a handgun to a transferee until at least seven [7] calendar days shall have elapsed from the time of the application for the transfer and, when delivered, the handgun shall be securely wrapped and unloaded.

(1) The seven [7] day waiting period shall not apply to law-enforcement officers. Any law-enforcement officer who takes advantage of this exception to purchase a handgun for someone other than himself commits a class B misdemeanor.

(2) The seven [7] day waiting period shall also be waived for any person to whom a qualified or unlimited handgun-carrying license has been issued, upon exhibition of the license to the transferor. The transferor shall note on the application-to-purchase form the serial number of the license, the expiration date, the issuing authority, and the notation "waiting period waived," together with the date on which the handgun or handguns are released to the applicant. Any person using or seeking to use a false, counterfeit, spurious or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter commits a class B misdemeanor.

(b) At the time of applying for the transfer of a handgun, the transferee shall complete and sign an application in triplicate in the presence of the transferor [contact State authorities for required contents] * * *. This application, in triplicate, shall be deposited with the transferor who shall, within eight [8] hours of the time of execution of the application, sign and attach his address and forward by first class mail or deliver in person one [1] copy of the application to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident; one [1] copy duly signed by the transferor shall at the same time be forwarded by him with his address to the superintendent; and he, the transferor, shall retain one [1] copy for six [6] years. If the superintendent shall by administrative rule require, the application forms forwarded to the superintendent may be accompanied by a full or partial set of legible and classifiable fingerprints of the transferee, taken by the transferor or by an agent of the transferor. Repeated instances of the transferor intentionally forwarding illegible fingerprints shall, in the case of a dealer, constitute grounds for the suspension or revocation of the dealer's license. Upon receipt of the handgun transfer application forms, the chief of police or sheriff, and the superintendent shall search the records of their respective departments concerning the transferee, and they shall forward immediately in both verbal and written form to the transferor any information constituting grounds for nondelivery of the handgun or handguns. In the case of the occasional transfer of a handgun between individuals, both the transferor and the transferee shall complete the application and fingerprint forms at any sheriff's office, police station, state police post, or licensed dealer, with the required fingerprints to be taken by a qualified person and the forms being forwarded to the appropriate chief of police or sheriff and to the superintendent, by the person taking the fingerprints. No charge shall be made for this service by any police agency; however, a dealer may charge a fee not to exceed two dollars [$2.00] for his services in assisting in the processing of the transfer, which fee is to be assessed of the transferor. It is the intent of this chapter that all sale forms shall be completed by the transferee in the presence of the transferor and that delivery of the handgun or handguns not take place until the seven [7] day waiting period has elapsed or has been waived as indicated above. Any notice from the chief of police or sheriff or from the superintendent indicating that the information on the transferee's application is untrue or incomplete or that the transferee has been convicted of a violation of this chapter or any crime of violence shall be grounds for nondelivery of the handgun or handguns, and in such case, delivery shall not occur without written approval of the superintendent.

(c) Delivery of a handgun by the transferor or his agent to the transferee prior to the expiration of the seven [7] day waiting period, except when the waiting period has been waived under this section, or delivery to any transferee without the superintendent's written approval after receiving notice of grounds for nondelivery is unlawful and in addition, constitutes grounds for the immediate suspension of the retail dealer's license.

(d) No additional record of any lawful transfer of any firearm shall be made or maintained by any local or state official or agency; and, all forms utilized in executing lawful firearm transfers, with the sole exception of those remaining with the transferor, shall be forwarded within six [6] months to the transferee indicated on the forms. Said forms shall then be retained by the transferee as proof of ownership of the firearm or firearms listed thereon.

35-23-4.1-8 (10-4751h). Retail dealer—License required. A retail dealer shall not sell, trade, or otherwise transfer or expose for sale, trade, or transfer, or have in his possession with intent to sell, trade or transfer, any handgun without being licensed under section 9 [35-23-4.1-9] of this chapter.

35-23-4.1-9 (10-4751i) License issuance as retail handgun dealer—Application * * * Conditions. A person desiring a license as a retail handgun dealer shall apply to the sheriff of the county in which he resides, or if he is a resident of another state and has a regular place of business in this state, then to the sheriff of the county in which he has a regular place of business. * * * No retail dealer's license shall be issued to any person who has been convicted of a crime of violence in this state or any state or country, or who has been convicted of a felony violation of this chapter [35-23-4.1-1—35-23-4.1-18]. A retail dealer's license shall permit the licensee to sell handguns at retail within this state subject to the following conditions in addition to those specified elsewhere in this chapter for breach of any of which the license may be suspended or revoked in accordance with applicable law and in addition the licensee may be subject to punishment as provided in this chapter:

(a) The business shall be carried on only in the site designated in the license and a separate license shall be required for each separate retail outlet. In the event a licensed dealer moves his place of business, he shall

promptly notify the superintendent, who shall at once issue an amended license certificate valid for the balance of the license period. This section shall not apply to sales at wholesale.

(b) The license, certified by the issuing authority, shall be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.

(c) No handgun shall be sold in violation of any provisions of this chapter, nor shall any handgun be sold under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of his identity.

35-23-4.1-10 (10-4751j). **Loan secured by handgun prohibited.** No person shall make any loan secured by a mortgage, deposit, or pledge of a handgun.

35-23-4.1-13. **Firearms exempted.** This chapter [35-23-4.1-1—35-23-4.1-18] does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made on or before 1898.

35-23-4.1-14 (10-4751n). **Waiver of disability or pardon of conviction—Effect.** A waiver of disability from United States authorities or a full pardon from the governor or other chief executive of the state, county or jurisdiction in which a conviction for any crime of violence or violation of this chapter [35-23-4.1-1—35-23-4.1-18] took place, shall, as to the conviction so pardoned, remove any disability under this chapter imposed by that conviction.

35-23-5-1 (10-4701). **Intoxicated persons—Sale or gift of weapons to.** A person who sells, barters, gives, or delivers any deadly weapon to any person at the time in a state of intoxication, knowing him or her to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him or her to be a person who is in the habit of becoming intoxicated, commits a class B misdemeanor.

35-23-7-1 (10-1911). **Sale, manufacture, use, purchase or possession of container with explosive or inflammables with intent to use.** A person who sells, manufactures, purchases, possesses or carries with intent to use the same or cause the same to be used for an unlawful purpose, any bomb, bombshell, grenade, bottle or other container containing an explosive or inflammable substance commits a class C felony.

35-23-10-1 (10-4740a). **Interstate firearms sales.** Any resident of this state who is eighteen [18] years of age or over and not otherwise prohibited by IC 1971, 35-23-4-6 [Sec. 10-4739], IC 1971, 35-1-79-3 [Sec. 10-4702], or IC 1971, 35-23-5-1 [Sec. 10-4701], or any applicable law of another state or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for either a rifle or shotgun in Ohio, Kentucky, Michigan or Illinois. Any resident of those states who is eighteen [18] years of age or over and not otherwise prohibited by IC 1971, 35-23-4-6 [Sec. 10-4739], IC 1971, 35-1-79-3 [Sec. 10-4702], or IC 1971, 35-23-5-1 [Sec. 10-4701] or the laws of his domicile or of the United States from obtaining, possessing, or using a firearm in this state or his home state, may purchase or obtain a rifle, shotgun, or ammunition for either a rifle or shotgun in this state. Any such transaction shall be for the purposes and under the conditions prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922(B)(3).

Gary

Ordinance 4641

Section 10-2201. All handguns located in the City of Gary shall be registered in accordance with the provisions of this Chapter.

Section 10-2204. At the time of sale the seller shall complete a registration form, designed or approved by the City Controller, [Contact local authorities for required contents] * * *

Section 10-2205. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of law.

Section 10-2214. For the purposes of this Chapter the term "handgun" means any weapon, by whatever name known, which is less than twelve (12) inches long capable of being used with one hand and which is designed to expel a projectile or projectiles by the action of an explosive and a handgun muffler or handgun silencer, or any part or parts of such weapon.

Section 10-2216. A person may not possess * * * any handgun * * * if such person is ineligible to register such handgun with the licensing authority pursuant to the provisions of this Chapter.

Hammond

27-201. Explosives—Permit. 1. No person or corporation shall keep, sell or offer for sale, or give away, anywhere within the City any gunpowder, guncotton, giant powder, dynamite, nitroglycerine, fulminate of mercury, or other high explosives of similar nature, in any quantity, whether in bulk or made up or kept in packages or cartridges, or kept, sell or offer for sale, or give away, anywhere within the City, any loaded paper or metallic shot shells or cartridges designed or intended to be used for shot guns, pistols, rifles or other firearms, or percussion caps or primers * * *

Indianapolis

Code of Ordinances

Sec. 20-98. Firearms for minors. No person shall sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol or other firearm, or any toy gun, toy pistol or other toy firearm, in which any explosive substance is or can be used, within the city; however, minors over fifteen (15) years of age may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club, or to shoot game birds in accordance with other provisions of this Code or state law.

Sec. 20-191. Unlawful disposition of dangerous weapons. No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known or suspected habitual user of narcotics or any known or suspected criminal or a person with criminal purpose, any type of machine gun, sawed-off shotgun, pistol or revolver, or ammunition therefor, * * *. [The] provisions of this section shall not apply to any military forces, peace officers or other persons so excepted by law for the possession, use or disposal of any such things.

Marion

Sec. 1. Be it ordained by the Common Council of the City of Marion, that it shall be and is hereby declared to be unlawful for any person to sell or give away within this city, to any minor, any rifle or gun for shooting powder and ball, * * * or other gun, rifle or device for shooting and propelling missiles * * *.

New Whiteland

Section 5. Firearms for minors. No person shall sell, loan or furnish to any minor, under the age of eighteen years, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm in which any explosive substance is or can be used, within the town; * * *

8. Selling weapons to narcotic users, etc. No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known, or suspected, habitual user of narcotics, or any known, or suspected, criminal or person with criminal purpose, any type of machine-gun or sawed-off shotgun, or pistol, or revolver, or ammunition therefor, * * * which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person; * * * the provisions of this section shall not apply to any military forces, peace officers, or other persons so excepted by law for the possession, use, or disposal of any such things.

Iowa

State Law

Iowa Code Ann.

Chapter 724. Weapons

724.1 Offensive weapons. An offensive weapon is any device or instrumentality of the following types;

1. A machine gun. A machine gun is a firearm which shoots or is designed to shoot more than one shot, without manual reloading, by a single function of the trigger.

2. A shotgun having a barrel or barrels shorter than eighteen inches in length, or a rifle having a barrel or barrels shorter than sixteen inches in length.

3. Any weapon other than a shotgun or muzzle loading rifle, cannon, pistol, revolver or musket, which fires or can be made to fire a projectile by the explosion of a propellant charge, which has a barrel or tube with the bore of more than six-tenths of an inch in diameter, or the ammunition or projectile therefor, but not including antique weapons kept for display or lawful shooting.

4. A bomb, grenade, or mine, whether explosive, incendiary, or poison gas; any rocket having a propellant charge of more than four ounces; any missle having an explosive charge of more than one-quarter ounce; or any device similar to any of these.

5. Any part or combination of parts either designed or intended to be used to convert any device into an offensive weapon as described in subsections one (1) through four (4), inclusive, of this section, or to assemble into such an offensive weapon, except magazines or other parts, ammunition, or ammunition components used in common with lawful sporting firearms or parts including but not limited to barrels suitable for refitting to sporting firearms.

724.2 Authority to possess offensive weapons. Any of the following is authorized to possess an offensive weapon when his or her duties or lawful activities require or permit such possession:

1. Any peace officer.

2. Any member of the armed forces of the United States or of the national guard.

3. Any person in the service of the United States.

4. Any correctional officer, serving in an institution under the authority of the division of adult corrections.

5. Any person who under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices.

6. Any person, firm or corporation who under the laws of this state and the United States is lawfully engaged in the improvement, invention or manufacture of firearms.

7. Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use.

724.3 Unauthorized possession of offensive weapons. Any person, other than a person authorized herein, who knowingly possesses an offensive weapon commits a class D felony.

724.4-724.14 Concerns the carrying of weapons; professional and nonprofessional permits to carry; eligibility for such permits, and the firearms training program.

* * * * *

724.15 Report and record of sales. Any person who sells or transfers ownership of a revolver or pistol, whether such person is a dealer or otherwise, shall report within five days to the county sheriff the sale or transfer or such weapon, on forms prescribed and published by the commissioner of public safety, and on the forms shall set forth the time of selling or transfer, the age, occupation, place of employment or business, name and residence of such recipient of such weapon, together with the model, caliber, serial number, and make of such weapon, and the sheriff on receipt of such information shall make a permanent record of the same in a book specially kept for that purpose. A copy of this report shall be forwarded by the sheriff to the commissioner of public safety. * * *

Sec. 724.16 Permit to purchase required. Any person who purchases a pistol or revolver without a valid permit to purchase pistols or revolvers or any person who sells a pistol or revolver to a person who does not have in his or her possession a valid permit to purchase pistols or revolvers is guilty of a simple misdemeanor.

Sec. 724.17 Application for permit to purchase. The application for a permit to purchase pistols or revolvers may be made to the sheriff of any county and shall be on a form prescribed and published by the commissioner of public safety.* * *

(Contact your county sheriff for information concerning applications for permits to purchase pistols and revolvers)

* * * * *

724.20 Validity of permit to purchase. The permit shall be valid throughout the state and shall be valid three days after the date of application and shall be invalid one year after the date of application.

724.21 Giving false information when purchasing weapon. A person who gives a false name or presents false identification, or otherwise gives false information to one from whom the person seeks to purchase a pistol or revolver, commits an aggravated misdemeanor.

Sec. 724.22 Sale to minors. A person who sells, loans, gives or makes available a firearm or ammunition for a firearm, to any person below the age of eighteen years commits a simple misdemeanor; provided, that a rifle or shotgun or the ammunition therefor, which lawfully may be used for hunting, may be given to such person by his or her parent or guardian, or by another with the express consent of his or her parent or guardian; and further provided, that any such person may allow a minor to possess a rifle, shotgun, or pistol, and the ammunition therefor, while on military duty, when such duty requires the possession of such a weapon, or while receiving instruction in the proper use thereof from an adult instructor.

Sec. 724.24 Purchase or sale of firearms in contiguous states. A resident of Iowa not otherwise precluded by applicable law, may purchase firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories in states contiguous to Iowa. This authorization is enacted in conformance with the Gun Control Act of 1968, 18 U.S.C., section 922(b)(3)(A). In the event that presently enacted federal restrictions on the purchase of firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories are repealed or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of firearms, shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of Iowa otherwise competent to purchase the same in contiguous or other states.

A dealer licensed in Iowa may sell or deliver a rifle or shotgun, and a collector licensed in Iowa may sell or deliver a rifle or shotgun if it is a curio or relic, to a resident of an adjacent state, if the purchaser's state of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of Iowa and the adjacent state, and the purchaser and licensee have, prior to the sale or delivery for sale of the rifle or shotgun, complied with all the requirements of the federal Gun Control Act of 1968.

* * * * *

Sec. 724.26 Receipt, transportation and possession of firearms and destructive devices by felons. Any person who is convicted of a felony in any state or federal court and who subsequently possesses, receives, or transports or causes to be transported a firearm or offensive weapon is guilty of an aggravated misdemeanor.

Sec. 724.27 Exception to section 724.26. The provisions of section 724.26 shall not apply to a person who is pardoned or has had his or her civil rights restored by the President

of the United States or the chief executive of a state and who is expressly authorized by the President of the United States or such chief executive to receive, transport, or possess firearms or destructive devices.

Cedar Rapids

63.16 **Prohibition against bombs.** No person shall sell, manufacture, produce, distribute, purchase, carry, possess or use any bomb, bombshell, grenade, bottle or other container containing an explosive, flammable, noxious gas, or chemical substance, such as but not limited to black powder bombs and Molotov cocktails. The provisions of this section shall not apply to any duly constituted police or military authorities or peace officers in the discharge of their duties.

Des Moines

26-11. **Report to chief of police.** Every secondhand dealer, or other merchant, shopkeeper or dealer who shall purchase or receive from any person any guns, pistols, or parts thereof, shall within twenty-four hours after purchasing or receiving such articles report the same in writing to the chief of police, * * *.

No person purchasing or receiving any such article shall melt up, destroy or dispose of the same without making such report or within fifteen days after such report is made, except upon written permit from the chief of police.

Marshalltown

75 * * * * * Sec. 2. It shall be unlawful to do or commit any of the following acts within the limits of the City of Marshalltown, Iowa: * * * * *

12. **Sale—Weapons.** To sell, keep for sale or offer for sale or loan, or give away, any silencer * * *.

13. **Weapons—Minors.** To sell, loan or give any pistol or revolver to any person under the age of 21 years.

14. **Sale of Arms—License.** To sell or keep for sale or exchange or to give away to any person, any revolver, pistol, * * * or other weapon of a like character, which can be concealed on the person, without first securing a permit from the proper officer, having authority to issue such permit.

Sac City

(e) **Sales to intoxicated persons and minors.** Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Spirit Lake

Article V Weapons

Sec. 21-71. Furnishing weapons to minors. No person other than the parent or legal guardian of a minor shall sell, barter, exchange, furnish, or give to any minor under the age of eighteen (18) years, any * * * rifle, shotgun, revolver, pistol, or any other firearms, or ammunition therefor, * * * except when accompanied by or upon written consent of his parent or legal guardian of such minor.

Sec. 21-72. Furnishing weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan, or furnish any gun, rifle, shotgun, revolver, pistol, or the ammunition therefor, or any other dangerous weapon to any person whom he knows or has reasonable cause to believe is under the influence of alcohol, or any narcotic, drug, stimulant, or depressant, or to any person who is of unsound mind.

West Des Moines

12. **Selling firearms to minors:** Any person who shall knowingly sell, present, or give any pistol or revolver to any minor shall be guilty of a misdemeanor, * * * Nothing herein contained shall prohibit the sale of ammunition to minors who have been licensed to hunt by the State of Iowa and to those minors who by reason of hunting on their own premises are not required by law to have a hunting license.

Kansas

State Law

Kan. Stat. Ann.

21-4201. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * * or

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) **Exemptions.** (a) Subsections (1) (a), (b), (c), (d) and (g) of this section shall not apply to or affect any of the following:

(i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

* * * * *

(3) It shall be a defense that the defendant is within an exemption.

(4) Violation of subsections (1) (a) through (1) (f) of this section is a class B misdemeanor; violation of subsection (1) (g) of this section is a class E felony.

21-4203. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

(2) Unlawful disposal of firearms is a class A misdemeanor.

21-4204. Unlawful possession of a firearm. (1) Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict; or

(b) Possession of a firearm with a barrel less than twelve (12) inches long by a person

who, within five (5) years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony.

(2) Violation of subsection (1) (a) of this section is a class B misdemeanor; violation of subsection (1) (b) is a class D felony.

48-1903. Purchase or receipt of rifle or shotgun in contiguous state by resident of Kansas; restrictions. It is hereby declared to be lawful for a resident of this state to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such states; and

(b) Prior to the sale or delivery for sale of the rifle or shotgun, the purchaser and the licensee must have complied with all of the requirements of section 922 (c) of the federal gun control act of 1968, applicable to interstate transactions other than at the licensee's business premises.

48-1904. Nonapplication of act, when. The provisions of this act do not apply to:

(*a*) Transactions between importers, manufacturers, dealers and collectors licensed under the federal gun control act of 1968;

(*b*) The loan or rental of a firearm to any person for temporary use for lawful sporting purposes; and

(*c*) A person who is engaged in hunting or in participating in any organized rifle or shotgun match or contest in a state other than his or her state of residence, and whose rifle or shotgun has been lost or stolen or has become inoperative in such other state, and who purchases a rifle or shotgun in such other state from a licensed dealer, if such person presents to such dealer a sworn statement:

(1) That his or her rifle or shotgun was lost or stolen or became inoperative while hunting or participating in any such match or contest in such other state; and

(2) Identifying the chief law enforcement officer of the political subdivision in which such person resides, to whom such licensed dealer shall forward such statement by registered mail.

Altoona

Ordinance 84

Sec. 15—It shall be unlawful for any person or persons to sell, trade, give, loan to or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * or other dangerous weapons, except shot guns and rifles, to any minor, or to any person known to be of unsound mind.

Sec. 16—It shall be unlawful for any minor to have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded, * * * or other dangerous weapons, except shot guns and rifles.

Atchison

21-124. Unlawful use of weapons. (1) Prohibited uses. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length, * * *

Sec. 21-129. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

* * * * *

Augusta

13-1101. Unlawful use of weapons. * * * * * a. Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any shotgun with a barrel less than eighteen inches (18'') in length, * * *

* * * * *

6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

* * * * *

13-1103. Unlawful disposal of firearms. Unlawful disposal of firearms in the city is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12'') long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12'') long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Bonner Springs

Sec. 17-108. Unlawful use of weapons. (1) Prohibited uses. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length, * * *

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions: (a) Subsections (1) (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iii) of this subsection to possess such weapons.

17-113. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel of less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Sec. 17-114. Defacing identification marks of a firearm. * * * (2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

Cheney

9.70.020 Unlawful use of weapons defined. "Unlawful use of weapons" is knowingly:

A. Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen inches in length, * * *

* * * * *

F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

G. Selling, manufacturing, purchasing, possessing or carrying any firearms designed to discharge or capable of discharging automatically more than once by a single function of the trigger * * *

9.70.030 Exemptions. A. Subsections A, B, C, D and G of Section 9.70.020 shall not apply to or affect any of the following:

1. Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

4. Manufacture of, transportation to, or sale of weapons to persons authorized under subdivisions 1 through 3 of this subsection to possess such weapons;

Cherryvale

12-310 Firearms in possession of minors. Every minor who shall have in his possession any pistol, revolver, or toy pistol by which cartridges may be exploded * * * or other dangerous weapons, shall be guilty of a misdemeanor.

12-311 Firearms, furnishing to minors. Every person who shall trade, give, loan or otherwise furnish any pistol, revolver, * * * or other dangerous weapons to any minor, or any person of unsound mind, shall be guilty of a misdemeanor.

Claflin

Section 19. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * *

* * * * *

(f) Possession [of] any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), (d), of this section shall not apply to or affect any of the following; (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iv) of this subsection to possess such weapons.

Section 20. Unlawful possession of a firearm. Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict.

Concordia

Sec. 15-37. Unlawful use of weapons generally.

Sec. 15-37(a). The following acts shall constitute unlawful use of weapons and a misdemeanor:

(1) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * *.

* * * * *

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Sec. 15-37(b). Paragraphs (1), (2), (3) and (4) of section 15-37 (a) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duties;

(4) Manufacture of, transportation to, or sale of weapons to persons authorized under paragraphs (1) through (3) above to possess such weapons.

Sec. 15-40. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to a person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Unlawful disposal of firearms is a misdemeanor.

Countryside

Ordinance 68

Section 1. It shall be unlawful at any time for any person, partnership, company, corporation or association to have in their possession or under their control or supervision; or to make, manufacture, offer for sale, and sell, or distribute, whether the same be with or without consideration, any type of gasoline or other inflamable explosive or incendiary bombs, including all such devices commonly known as a Molotov Cocktail, within the corporate limits of the City of Countryside, Kansas.

Derby

Ordinance 954

Section 1. It shall be unlawful for anyone within the City of Derby, Kansas, to unlawfully use any weapons.

Section 2. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length, * * *.

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possession or carrying any firearms designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

Section 3. Exemptions. (a) Subsections (a), * * * (d) and (g) of this section shall not apply to or affect any of the following: (i) Law

enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons, accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iii) of this subsection to possess such weapons.

* * * * *

It shall be a defense if the defendant is within an exemption.

De Soto

63. Unlawful Use of Weapons. Unlawful use of weapons is:

(a) selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun with a barrel less than eighteen inches in length.

* * * * *

(f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shot gun.

* * * * *

Dodge City

20-118. Unlawful use of weapons. (1) Prohibited uses. Unlawful use of weapons is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length,

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

20-121. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly: (a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or (b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or (c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

El Dorado

Article 10. Crimes against public safety

7-1001. Unlawful use of weapons.

a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length, * * *

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions:

1. Subsections "a" 1, * * * and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

* * * * *

7-1003. Unlawful Disposal of Firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Elkhart

9.40.010 Unlawful use. A. Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen inches in length, * * *. [or] * * * * * 6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

9.40.020 Unlawful use—Exemptions. A. Subsections A 1, 2, 3 and 4 of Section 9.40.010 shall not apply to or affect any of the following:

1. Law enforcement officers or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

4. Manufacture of, transportation to or sale of weapons to person authorized under 1 and 3 of this subsection to possess such weapons.

9.40.030 Firearm—Unlawful disposal. A. Unlawful disposal of firearms is knowingly:

1. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person under eighteen years of age; or

2. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

3. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five years after his release from the penitentiary or within five years after his conviction if the defendent has not been imprisoned in the penitentiary.

9.40.040 Firearm—Unlawful possession. A. Unlawful possession of a firearm is possession of any firearm by an habitual drunkard or narcotics addict.

Ellingwood

8-701 Unlawful Use of Weapons: (1) Unlawful use of weapons is knowingly: (a) Selling, manufacturing, purchasing, possessing or

carrying any * * * shotgun with a barrel less than 18 inches in length * * *.

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(g) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) Exemptions: (a) Subsections (1) (a) (b) (c) (d) and (g) of this section shall not apply to or effect any of the following:

(i) Law enforcement officers or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (ii) Keepers of jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the Armed Services or Reserve Forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

Florence

Article 10. Crimes Against Public Safety

10-1001 Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful Use of Weapons is knowingly: 1. Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen inches (18") in length, * * *.

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1, 2, 3, 4 and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

* * * * *

10-1003 Unlawful Disposal of Firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary. Unlawful disposal of firearms is a Class A misdemeanor.

Garden Plain

Ordinance 271

Section 1. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen (18) inches of length, * * *

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

Section 2. It shall be a defense that the defendant is within any of the following exceptions:

(a) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (i) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (ii) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iii) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (ii) of this subsection to possess such weapons.

(b)Watchmen while actually engaged in the performance of the duties of their employment, or (i) Licensed hunters or fishermen while engaged in hunting or fishing; or (ii) Persons licensed as private detectives by the state of Kansas, detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service.

Gardner

11-326. Unlawful use of Weapons. Unlawful use of weapons is:

(a) selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches in length * * *. * * * * * or (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle or shotgun. Sub-sections (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Grandview Plaza

Ordinance 25-68

Section 2. From and after the effective date of this ordinance no pistol, revolver or other firearm with a barrel less than 10 inches in length shall be sold in the City of Grandview Plaza, Kansas, unless the purchaser thereof shall have first obtained a registration certificate to be issued by the City Clerk of Grandview Plaza, Kansas.

* * * * *

Section 4. No certificate of registration shall be issued to any of the following classes of persons:

(a) Any person under the age of 21 years.

(b) Any person convicted of a felony as defined by KSA 21-2611.

(c) Any person who is addicted to the use of narcotics or who is mentally retarded or is a habitual drunkard.

Section 5. No firearm as herein described shall be delivered into the possession of the purchaser thereof unless a period of forty-

eight (48) hours shall have expired from the time of issuance of such certificate of registration and such certificate shall have been presented to the seller.

Herington

12-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful Use of Weapons in knowingly:

1. Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length. * * *

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions:

1. Subsections "a" 1, 2, 3, 4 and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

12-1003. Unlawful disposal of firearms. Unlawful disposal fo firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Holton

14-501. Furnishing firearms to minors and mentally incompetent persons. It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded * * * or any other dangerous weapon to any minor or to any person who is mentally incompetent.

* * * * *

14-502. Possession of firearms by minors. It shall be unlawful for any minor to have in his possession any pistol, revolver or toy pistol by which cartridges may be exploded * * * or any other deadly weapon.

* * * * *

Hutchinson

Sec. 24-1003. Unlawful disposal of firearms.

(a) Unlawful disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person under eighteen years of age; or

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five years after his release from the penitentiary or within five years after his conviction if the offender has not been imprisoned in the penitentiary.

(b) Unlawful disposal of firearms is a Class A misdemeanor.

Independence

17-212. Furnishing weapons to minors. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * to any minor, or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars ($100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

17-213. Possession of weapons. Any person who shall have in his possession any pistol, revolver, or toy pistol by which cartridge may be exploded * * * shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars ($100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

Junction City

18-3a101—Registration. Section 1. * * * no pistol, revolver or other firearm with a barrel less than 10 inches in length shall be sold in the City of Junction City, Kansas, unless the purchaser thereof shall have first obtained a registration certificate to be issued by the Chief of Police of the City.

18-3a104—Waiting period. Section 4. No firearm as herein described shall be delivered into the possession of the purchaser thereof until a period of 48 hours shall have transpired from the time of issuance of such certificate of registration and said certificate shall have been presented to the seller.

18-3a105—Exclusions. Section 5. The provisions of this Ordinance shall not apply to any duly authorized police officer, marshal, sheriff, constable, or other law enforcement officer designated by the federal, state, county or municipal governments, who purchase weapons to be used in the performance of their duties.

Kansas City

39-4. Permit to purchase or receive pistol or revolver—Required; exceptions. It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions.

* * * * *

39-7. Small firearms to be stamped with trade mark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof,

the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Leavenworth

14-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows: a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length, * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

14-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly: a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age; b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

14-1016. Molotov cocktails. Unlawful possession, use and transportation of "Molotov Cocktail" is the transporting, use or possession or control of a container of incendiary or explosive material, liquid, solvent or mixture, equipped with a fuse, wick or other detonating device of a kind commonly known as "Molotov Cocktail."

Lenexa

10.1. Unlawful Use of Weapons. Unlawful use of weapons is: (a) selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun with a barrel less than eighteen inches in length, * * *. * * * * * [or] (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shot gun.

Sub-sections (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted or crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

10.2 Unlawful possession of a firearm. Unlawful possession of a firearm is possession of any firearm by an habitual drunkard or narcotics addict.

10.3 Defacing identification marks of a firearm. Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

* * * * *

10.08 Molotov cocktail—possession, manufacture, etc. It shall be unlawful for any person to have in his possession or under his control or supervision, or to make, manufacture, offer for sale or sell or distribute, whether the same be with or without consideration, any type of gasoline or other inflammable or explosive incendiary bomb, commonly known as a Molotov cocktail, within the city.

Lenora

Sec. 3. It shall be unlawful for any person to make, sell, or furnish any pistol, * * * or weapons of any description * * * to any minor within the corporate limits of the City of Lenora, Kansas, and any minor found in possession of any of the above described weapons, shall be punished according to the penalty prescribed for any violation of this ordinance.

Lyons

13-001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length * * *;

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1 * * * and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

* * * * *

13-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the

penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Madison

9-310. Minors or Incompetents, Furnishing Weapons to. It shall be unlawful for any person to sell, trade, give, loan of otherwise furnish any pistol or revolver by which cartridges may be exploded, * * * or other dangerous weapon to any minor person or person of unsound mind.

Manhattan

10-1201. Dealer receives written commitment from buyer. No person, partnership or corporation, regularly engaged in the sale of pistols, revolvers or other firearms with a barrel less than ten inches, may deliver possession of such firearms, until the expiration of forty-eight hours from the date the sale of said firearm is consummated. For the purpose of this article, a sale of firearms shall be deemed consummated when the dealer shall have received a written commitment from the buyer legally binding the latter to purchase said firearm.

10-1202. Any dealer subject to the provisions of Section 1 hereof shall forthwith upon the consummation of the sale of such firearms as defined herein, report such sale to the Chief of Police of Manhattan, Kansas, within twenty-four (24) hours after the consummation of the sale of said firearm, describing therein the firearms sold. [Contact local authorities for required contents] * * *

10-1203. Any dealer who shall violate or fail to comply with the provisions of this ordinance, or any person who as a buyer of such firearms shall give false information to said dealer or otherwise violate any of the provisions of this ordinance, shall upon conviction be fined One Hundred Dollars ($100.00) or imprisoned in the City Jail for not more than thirty (30) days, or both such fine and imprisonment.

Merriam

Ordinance 457

Section 3: Permit to purchase or receive pistol or revolver—required: Exceptions It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration, or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than 9 inches long, unless the purchaser, borrower, or person accepting the same has then and there a permit, dated less than 10 days prior to such sale, loan, or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. * * *

Section 6: Small firearms. To be stamped with trademark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver, or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy, or in anywise procure the possession of any pistol, revolver, or the firearm, of the size which can be concealed upon the person, unless such firearm is stamped as required by this Section.

Section 7: Record of sales and purchases of small firearms. No wholesaler or retail dealer in firearms shall have in his possession for the purpose of sale or shall sell any firearm of a size which may be concealed upon the person, unless he keeps a full and complete record of the information as stamped thereon in accord with Section 6, the name and address of the person from whom purchased and to whom sold, and the date of such purchase or sale. * * *

Mission

8-801. Unlawful use of Weapons. (1) Unlawful use of weapons is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * *. * * * * * [or] (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions: (a) Subsections (1) (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

8-802. Unlawful Disposal of Firearms. Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less then twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

8-803. Unlawful Possession of a Firearm. Unlawful possession of a firearm is possession of any forearm by an habitual drunkard or narcotics addict.

283-3. Permit to purchase or receive pistol or revolver—Required. Exceptions: It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the Chief of Police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

* * * * *

283-5. Permit to purchase or receive pistol or revolver—Issuance. After investigation and approval by the Chief of Police, he shall issue a permit * * * (4) to any responsible person 21 years of age or older filing the proper application, except dope addicts, felons, alcoholics, emotionally disturbed persons, or persons having been convicted of a crime involving violence or the use of firearms.

283-6. Small firearms to be stamped with trademark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped upon the metallic portion thereof the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in anywise procure the possession of

any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Ness County

10-310. Minors or incompetents, furnishing weapons to. It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol or revolver by which cartridges may be exploded, * * * or other dangerous weapon to any minor person or person of unsound mind.

Newton

17-1001. Unlawful use of weapons. (a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession or carrying any shotgun with a barrel less than eighteen (18) inches in length * * *.

* * * * *

(6) Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1, * * * and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

17-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearm to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Nickerson

9-164. Weapons—Sale to minors or persons of unsound mind. Any person who shall sell, trade, give, loan or otherwise furnish any pistol or revolver, by which cartridges may be exploded, * * * to any minor or to any person of notoriously unsound mind shall, upon conviction, be guilty of a misdemeanor.

13-601. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun, with a barrel less than eighteen (18) inches in length, * * * or

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * *

(2) Exemptions. A. Subsections (1) (a), (b), (c) and (d) of this section shall not apply to or affect any of the following:

(i) Law enforcement officers, or any persons summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iii) of this subsection to possess such weapons.

Olathe

9.16.050 Minors or incompetents—Furnishing weapons to. It is unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * or other dangerous weapon to any minor person or person of unsound mind.

239-65 Unlawful Use of Weapons. Unlawful use of weapons is: (a) selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches in length * * * or (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle or shotgun.

Sub-sections (a) * * * of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Osawatomie

11-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows: a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen inches (18) in length * * *

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1 * * * and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

* * * * *

11-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less then twelve

inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Overland Park

11.60.010 Unlawful use of weapons. "Unlawful use of weapons" is knowingly:

A. Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches in length * * *. * * * * * [or] F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shotgun.

11.60.020 Exceptions to Section 11.60.010. Subsections (A) through (D) of Section 11.60.010 do not apply to or affect any of the following:

A. Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers;

B. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

C. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

D. Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Pittsburg

15-605. Furnishing weapons to minors or persons of unsound mind. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * to any minor or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not less than $5.00 nor more than $100.00.

15-606. Possession of weapons by minors. Any minor who shall have in his possession any pistol, revolver or toy pistol by which cartridges may be exploded * * * shall, upon conviction thereof, be fined in any sum not less than $1.00 nor more than $10.00.

Prairie Village

10.04.620 Unlawful use of weapons. A. Unlawful use of weapons is:

1. Selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun with a barrel less than eighteen inches in length, * * *

6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shotgun.

Roeland Park

Ordinance 279

* * * * *

Section 3. Permit to purchase or receive pistol or revolver—Required: exceptions. It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

* * * * *

Section 6. Small firearms to be stamped with trade mark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Section 7. Record of sales and purchases of small firearms. No wholesale or retail dealer in firearms shall have in his possession for the purpose of sale or shall sell any firearm of a size which may be concealed upon the person, unless he keeps a full and complete record of the information stamped thereon in accord with section six (6), the name and address of the person from whom purchased and to whom sold, and the date of such purchase or sale. Such record shall be open to inspection at all times during normal business hours to any police officer or other peace officer of this state.

Selden

Ordinance 15

Section 20: Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver, or toy pistol by which cartridges or cape may be exploded * * * or any other dangerous weapon to any minor or any person of notoriously unsound mind, shall upon conviction be fined * * *.

Shawnee

13-1101. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length, * * *

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * *

(2) **Exemptions.**

(a) Subsections (1)(a), (b), (c) and (d) of this section shall not apply to or affect any of the following:

(i) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

13-1102. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

13-1103. Unlawful possession of a firearm. (1) Unlawful possession of a firearm is:

(a) Possession of any firearm by an habitual drunkard or narcotics addict; or

(b) Possession of a firearm with a barrel less than twelve inches (12") long by a person who within five (5) years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony.

South Hutchinson

Ordinance 323-A

Section 23. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen (18) inches in length, * * *. * * * * * [or] (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * *.

(2) **Exemptions.** (a) Subsections (1) (a), (b), (c), (d), of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

Section 24. Unlawful possession of a firearm. Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict.

Sterling

Sec. 17-33. Same—Unlawful possession or carrying. (1) Unlawful use of weapons, hereby declared to be an offense, is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen (18) inches in length, * * *. * * * * * [or] (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), and (d), of this section shall not apply to or affect any of the following: (i) law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

* * * * *

Topeka

12-216. Furnishing weapons to minors or persons of unsound mind. It shall be unlawful for any person to sell, give, loan or otherwise furnish any pistol or revolver by which cartridge may be exploded, * * * or other dangerous weapons to any minor, or to any person of notorious unsound mind.

Valley Center

9.78.010 Unlawful use defined. Unlawful use of weapons is knowingly: A. Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches in length, * * *

F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * *.

9.78.020 Exemptions. A. Section 9.78.010A, B, C, D and G shall not apply to or affect any of the following:

1. Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duties;

4. Manufacture of, transportation to, or sale of weapons to person authorized under (1) through (3) of this subsection to possess such weapons.

Wakeeney

Article 10. Crimes against public safety

11-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length,

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1, 2, 3, 4 and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

* * * * *

11-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve

inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Wellington

18-611. Molotov Cocktail. It shall be unlawful for any person to transport, use or have in his possession or control a container of incendiary or explosive material, liquid, solid or mixture, equipped with a fuse, wick or any other detonating device of a kind commonly known as a "Molotov Cocktail". * * *

Wellsville

Article 12

12-1215. Deadly weapons to minors and unsound persons. Any person who shall sell, trade, loan, or otherwise furnish any pistol, revolver, * * * to any minor or to any person of notoriously unsound mind, upon conviction, shall be fined * * *.

Wichita

5.88.040 Sawed off rifles and shotguns; * * * (a) It is unlawful for any person, other than a sheriff or other peace officer or any military unit of the state or of the United States, or any common carrier for hire, to transport or have in his possession or under his control, any firearm known as a shotgun or rifle with a barrel less than eighteen inches in length, or any silencer; provided, that banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup who have secured permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms, may possess such firearms; provided, further, that museums, American Legion posts and other similar patriotic organizations may possess such firearms when not used as a weapon and when possessed as a curiosity, ornament or keepsake.

* * * * *

Kentucky

State Law

Ky Revised Stat. Ann.

237.020 Right of Kentucky residents to buy firearms in contiguous states; reciprocity as to residents of contiguous states. (1) Residents of the Commonwealth of Kentucky shall have the right to purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in states contiguous to the Commonwealth of Kentucky.

(2) Residents of states contiguous to the Commonwealth of Kentucky may purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in the Commonwealth of Kentucky.

(3) All such sales shall conform to the requirements of federal law, the Kentucky Revised Statutes, applicable local ordinances, and the law of the purchaser's state.

237.030 Definitions for KRS 237.040 and 237.050. (1) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device and includes the unassembled components from which such a device can be made.

(2) "Booby trap device" includes any device, or substance designed to surreptitiously or covertly take life, endanger life or destroy or damage property and shall not include firearms.

237.040 Criminal possession of destructive device or booby trap device. A person is guilty of criminal possession of a destructive device or a booby trap device when he possesses, manufactures, or transports such substance or device with:

(1) Intent to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States; or

(2) Knowledge that some other person intends to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States.

(3) Mere possession without substantial evidence of the requisite intent is insufficient to bring action under KRS 237.030 to 237.050.

237.050 Exemptions. KRS 237.030 to 237.050 shall not apply to:

(1) Destructive devices or booby trap devices which are possessed by the government of the United States, this state, or a political subdivision thereof;

(2) Any device which is lawfully possessed under the Gun Control Act of 1968, the Organized Crime Control Act of 1971, or any other law of the United States or this state, unless a crime is committed therewith;

(3) Non-lethal devices placed on the premises of the owner or the lawful occupant thereof for his own self-protection or the protection of the said property;

(4) The setting of traps suitable and legal for the taking of game by persons licensed or permitted to do so by the game laws of the Commonwealth;

(5) Inert devices which cannot readily be restored to operating condition; or

(6) The acquisition, possession, use, or control of firearms.

527.010 Definitions. The following definitions apply in this chapter unless the context otherwise requires:

(1) "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

(2) "Firearm" means any weapon which will expel a projectile by the action of an explosive.

(3) "Handgun" means any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand.

527.040 Possession of handgun by convicted felon; exceptions. (1) A person is guilty of possession of a handgun by a convicted felon when he possesses, manufactures, or transports a handgun when he has been convicted of a felony, as defined by the laws of the jurisdiction in which he was convicted, in any state or federal court and has not:

(a) Been granted a full pardon by the governor or by the President of the United States; or

(b) Been granted relief by the United States secretary of the treasury pursuant to the Federal Gun Control Act of 1968, as amended.

(2) Possession of a handgun by a convicted felon is a Class D felony.

(3) The provisions of this section shall apply only to persons convicted after January 1, 1975.

527.050 Possession of defaced firearm. (1) A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency of such possession prior to arrest or authorization of a warrant by a court.

(2) Possession of a defaced firearm is a Class A misdemeanor.

Bellevue

131.11 Sale and purchase of weapons. (A) **Sale.** No person shall sell, give away or oth-

erwise supply to any person, any pistol, revolver, deringer, * * * or other weapon of like character, which can be concealed on or about the person, without first requiring such person to produce a permit to purchase a weapon, signed by the chief of police.

131.13. (B) **Permit required.** No person shall purchase, or acquire by any means, any pistol, revolver, deringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit. * * *

Cold Spring

Ordinance 99

Section 1 That it shall be unlawful in the City of Cold Spring, Campbell County, Kentucky, for any person, firm or corporation to sell, give away or otherwise supply to any person, any pistol, revolver, derringer or other weapon of like character, which is capable of being concealed on or about the person, without first requiring such person as a condition precedent to receiving said weapon, to produce to such supplier a written permit to purchase or otherwise receive such weapon issued by the City of Cold Spring, Campbell County, Kentucky and signed by the City Marshal of the City of Cold Spring, Campbell County, Kentucky * * *.

[Section 2 contains weapons permit application requirements]

* * * * *

The sale, donation, supply or transfer of any pistol, revolver, derringer, or other weapon of like character, pursuant to the authority of a weapon permit issued by the City of Cold Spring, Campbell County, Kentucky, as hereinbefore set forth, shall be accomplished within ten (10) days from the date of the issuance of such weapon permit and such weapon permit shall be void after the expiration of ten (10) days from the date of its issuance.

Covington

Sec. 14-115. Sale of dangerous weapons to minors and intoxicated persons. (a) No person shall knowingly sell, offer for sale, loan or furnish any rifle, firearm or other dangerous or deadly weapon to:

(1) Any minor under the age of eighteen (18) years;

(2) Any person under the influence of any alcoholic beverage, narcotic drug, stimulant or depressant;

(3) Any person in a condition of agitation and excitability; or

(4) To any person that the seller, lender or donor has reasonable cause to believe is not of sound mind.

Danville

1. No person, firm or corporation whether a licensed or unlicensed dealer or one who sells in a casual sale, shall sell any pistol, revolver, Derringer * * * or other weapon of like character which can be concealed on or about the person except to one to whom a permit for the purchase of a weapon has been issued * * *. Only one such weapon shall be sold for each permit so issued.

Erlanger

Ordinance 1010

Section 1. That it shall be unlawful in the City of Erlanger, Kentucky, for any person, firm or corporation to sell, give away or otherwise supply to any person, any pistol, revolver, derringer or other weapon of like character, which is capable of being concealed on or about the person, without first requiring such person as a condition precedent to receiving said weapon, to produce to such supplier a written permit to purchase or otherwise receive such weapon issued by the City of Erlanger and signed by the Chief of Police of the City of Erlanger as hereinafter provided.

Section 2. It shall be unlawful for any person in the City of Erlanger to purchase or otherwise receive any pistol, revolver, derringer or other weapon of like character, which can be concealed on the person, without first securing from the City of Erlanger, a weapon permit signed by its Chief of Police * * *.

The sale, donation, supplying or transfer of any pistol, revolver, derringer, or other weapon of like character, pursuant to the authority of a weapon permit issued by the City of Erlanger, as hereinbefore set forth, shall be accomplished within ten (10) days from the date of the issuance of such weapon permit and such weapon permit shall be void after the expiration of ten (10) days from the date of its issuance.

Lebanon

Section II That it shall be unlawful for any person to sell or furnish any minor or infant * * * with any firearm of any kind or character for the purpose of use within the City limits of the City of Lebanon, or which shall be used by said minor or infant within the City limits of the City of Lebanon, or to furnish any minor or infant with ammunition for said firearms, * * *.

Lexington-Fayette Urban County Government

Sec. 13-57. Same—License and permits for concealed deadly weapons—Required. It shall be unlawful for any person to engage in the business of selling, or to sell, give away or otherwise dispose of to any person within the city any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on or about the person, without securing a license so to do, * * * and no person having secured such license shall sell, give away or otherwise dispose of any such weapon to any person within the city who has not secured a permit from the chief of police to purchase a weapon * * *

Sec. 13-59. Same—Same—Permit for purchase, refusal of permit when. (a) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do. * * *

Sec. 14-40. Same—Supplying small arms ammunition to. No person shall sell, give, or otherwise supply to any child under the age of eighteen years in the city any small arms ammunition, and no person shall purchase for the use of or place such small arms ammunition in the possession of any such child in the city. * * *

Louisville

747.01 Definitions.

Fire Bomb: A breakable container containing a flammable substance or liquid and having a wick or similar device and capable of being ignited. No device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb.

Dispose of: To give, lend, offer for sale, sell, transfer, hurl, throw, drop, or caused to be hurled, thrown or dropped, or to abandon at any location.

Explosive: Any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon the application of heat, flame, shock or electricity including but not limited to dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, detonators and detonating cords, but not including any fireworks or ammunition for firearms or any black or smokeless propellant powder or primers or any other component of ammunition for firearms.

Licensee: A dealer or manufacturer of explosives licensed under this ordinance.

Permittee: Any user of explosives for lawful purposes who has obtained a user permit under the provisions of this ordinance.

747.02 Possession or ownership of firebombs.

(a) It shall be unlawful to own, make, possess or dispose of a fire bomb, tear gas bomb, stink or acid bomb.

(b) It shall be unlawful to possess any recognizable component part of a firebomb with intent to use such component, material or substance to set fire to or burn any building, structure or property.

(c) This section shall not prohibit the authorized use or possession of any device, substance or material described herein by a member of the Armed Forces of the United States or any Reserve component thereof or of the National Guard of the Commonwealth of Kentucky or by a duly authorized Fireman, Policeman, or Peace Officer acting pursuant to official duty, nor shall the use or possession of such device, substance or material for the sole purpose of scientific research or education or for lawful burning be prohibited.

711.01 Definitions When used in this Ordinance, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine.

Antique firearm. (a) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(b) Any replica of any firearm described in paragraph (a) of this definition if such replica (1) is not designed or redesigned for using rim fire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Collector. Any person who acquires, holds, or disposes of firearms as curios or relics.

Concealable firearm. Any pistol, or revolver, or other weapon by whatsoever name known, other than an antique firearm as herein defined, designed to be fired by the use of a single hand, and which is designed to fire or is capable of firing a fixed metallic cartridge, or the frame or receiver of such a weapon; the term "concealable firearm" shall include any other such weapons irrespective of their original design which have received such extensive modification to stock, barrel or otherwise as to make them sufficiently small to be readily concealable on the person: in addition, the term "concealable firearm" shall include tear gas guns, tear pens, tear gas pencils, pen guns, mace cans, or other similar devices capable of firing, projecting, expelling or spraying tear gas, mace, or any similar gas, chemical or substance which may be dangerous or injurious to human health or safety.

Curios or relics. Firearms which are of special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories;

(a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof:

(b) Firearms which are certified by the curator of a municipal, state or federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period or event.

Dealer. Any person engaged in the business of selling concealable firearms at wholesale or retail; any person engaged in the business of repairing concealable firearms or of making or fitting special barrels, stocks or trigger mechanisms to concealable firearms; or any person who is a pawn broker.

Felony. Any offense punishable by imprisonment for a term exceeding one (1) year. The term shall not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two (2) years or less.

Frame or receiver. That part of a concealable firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Fugitive from justice. Any person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

Indictment. Includes an indictment or information in any Court under which a crime punishable by imprisonment for a term exceeding one (1) year may be prosecuted.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any concealable firearm as security for the payment or repayment of money.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

711.02 Sale or transfer of concealable firearms. No sale, transfer or delivery of a concealable firearm shall be made within the City of Louisville to any of the following:

(a) A person under twnety-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any Court of a felony;

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent, or any person who is a known drug addict;

(f) A person who is not a resident of the Commonwealth of Kentucky;

(g) A person who has been convicted of public drunkenness three (3) or more times within the year last past before the proposed sale, transfer or delivery;

(h) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposed sale, transfer or delivery.

711.03 Ownership or possession of concealable firearms. It shall be unlawful for anyone within the following categories to own, possess or exercise any degree of control over a concealable weapon:

(a) A person under twenty-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any Court of a felony;

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent or who has been committed to any mental institution.

(f) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposed sale, transfer or delivery.

711.04 Licensing of dealer. Any person who engages in the business of a dealer as defined in this Ordinance in the City of Louisville shall secure a license from the City to conduct such business * * *.

711.05 Sale by dealer. Every dealer who makes a sale, transfer or delivery of a concealable firearm to any person other than another licensed dealer or licensed collector shall first require the purchaser to execute in full an affidavit on a form provided by the Louisville Division of Police * * *.

* * * * *

The aforesaid affidavit shall be signed and sworn to by the prospective purchaser before a person authorized to administer oaths.

711.06 Completion of sale and report to the Louisville Division of Police. After the prospective purchaser or transferee of a concealable firearm has executed the affidavit hereinabove provided for, the dealer shall allow a period of not less than 24 hours to expire before the completion of any sale or

transfer of the concealable firearm to the purchaser or transferee.

Upon the completion of the sale or transfer, the dealer shall execute a certificate on a form provided by the Louisville Division of Police * * *.

* * * * *

The purchaser or transferee shall sign the aforesaid certificate acknowledging receipt of the concealable firearm described therein. The dealer shall also sign the aforesaid certificate.

The dealer and purchaser or transferee shall swear to the accuracy of the information contained therein before a person authorized to administer oaths. * * * * *

711.07 Report of sale by seller other than dealer. Every person who is not a licensed dealer or collector who makes a sale, loan, gift or any other transfer or delivery of a concealable firearm to anyone who is not a licensed dealer or collector shall within twenty-four (24) hours after such sale, loan, gift, transfer or delivery mail or deliver to the Louisville Division of Police a certificate on a form provided by the Louisville Division of Police * * *.

* * * * *

Said certificate shall be signed by the person making such sale, loan, gift, transfer or delivery and by the purchaser or recipient acknowledging receipt of the concealable firearm.

It shall be the duty of both the person making such sale, loan, gift, transfer or delivery as well as the person purchasing or receiving the concealable firearm to see that the provisions of this section are complied with, and failure to report such sale, loan, gift, transfer or delivery shall constitute a violation of this Ordinance by each.

711.09 Collectors license. Any person qualifying as a collector as defined in this Ordinance may make application to the Louisville Division of Police for issuance of a "Collectors License" and shall pay for said license the sum of Ten dollars ($10.00); said license shall be renewable annually for an additional fee of Five dollars * * *

711.11 Licensed collector may make immediate transactions. Any duly licensed collector hereunder may buy, sell or otherwise receive or transfer any firearms qualifying as curios and relics as defined herein without the necessity of reporting such transactions and without the elapsement of any waiting period.

711.13 Exclusions. 1. Despite any language to the contrary contained herein, it shall be lawful for the following persons to acquire, transfer, or purchase concealable firearms from a dealer or broker without the necessity of the affidavit and waiting period required by this Ordinance:

(a) Any governmental agency which is authorized to own or acquire firearms;

(b) Licensed dealers, manufacturers, wholesalers in all transactions between similarly licensed persons, in their usual course of business;

(c) Licensed pawnbrokers accepting a firearm as security or pledge for loan, unless or until the pawnbroker makes a sale or transfer or the firearm pledged to a person other than the owner, at which time the affidavit required by this Ordinance and the waiting period shall be complied with, and the report of such sale or transfer shall be made as provided herein.

2. Despite any language to the contrary contained herein, it shall be lawful for the following persons to transport, possess and lawfully use concealable firearms for lawful purposes:

(a) Non residents of Louisville who are regularly enrolled members of any state or federal organization, service or agency who's members are legally authorized to purchase, or receive and transport concealable firearms;

(b) Non residents of Louisville regularly enrolled as members of clubs organized for firearms collecting or organized target shooting while such members are going to or from collectors gun shows, competitions and other organized convocations of such clubs;

(c) Non residents while lawfully engaged in hunting, fishing, or camping or going to or returning from hunting, fishing or camping;

(d) Non residents engaged in the business of manufacturing, repairing or dealing in firearms, or the agent or representatives of such person while engaged in the lawful course of such business.

Newport

Sec. 117.01 Licensing of dealer. Every person hereinafter called "dealer," engaged in the business of buying or selling pistols, revolvers and like or similar instruments, whether such business is carried on as the only business or in conjunction with other lines of business, shall secure a license from the city, and shall pay an annual license fee of $25 to conduct the business of buying or selling pistols, revolvers and like or similar instruments, and the $25 license fee shall be in addition to any other business license held by said dealer.

Sec. 117.02 Dealer's bond. (A) Before a license shall be issued, such dealer shall execute a bond to the city in the minimum of $1,000, either in cash or with corporate surety, to be approved by the city manager.

* * * * *

Sec. 117.04 Purchaser's qualifications. No "dealer" shall make any sale of, or deliver, any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicated he has been involved in any felony or any misdemeanor involving the use of firearms, then the "dealer" shall not make any sale of or deliver any pistol, revolver, or like or similar instrument to such person. The "dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property, or that such pistol, revolver or like or similar instrument is to be used for a lawful purpose.

Sec. 117.05 Report of sale. When the "dealer" ascertains that the prospective purchaser is properly qualified and has executed the affidavit, as above provided, he may complete the sale and deliver the pistol, revolver or like or similar instrument to the said purchaser. * * *

Sec. 117.07 Sale to unlicensed "dealers." No person shall sell a revolver, pistol or like or similar instrument to any unlicensed "dealer" at any time.

Sec. 117.08 Sale to minors. No person shall sell a revolver, pistol or like or similar instrument to any minor at any time. (Ord. 1094, Sec. 8)

Sec. 117.09 Wholesalers excepted. Nothing contained in this chapter shall apply to sales at wholesale to a licensed "dealer."

Paris

Sec. 11-19. Various deadly weapons—Permits to buy and sell; required reports. (a) It shall be unlawful for any person to engage in the business of selling, or to sell, give away or otherwise dispose of to any person within the city any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on or about the person, without securing a license so to do as hereinafter provided, and no person having secured such license shall sell, give away or otherwise dispose of any such weapon to any person within the city who has not secured a permit from the chief of police to purchase the weapon. * * * * *

(d) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do.

Park Hills

Ordinance 3

Section 1. Licensing of Dealer: Every person, firm or corporation hereinafter called

"Dealer", engaged in the business of buying or selling pistols, revolvers and like or similar instruments, * * * shall secure a license from the City of Park Hills. * * *

Section 4. Purchaser's Qualifications: No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the Prospect purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver, or like or similar instrument is to be used for a lawful purpose.

* * * * *

Section 7. Sale to Unlicensed "Dealers": It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer", at any time.

Section 8. Sale to Minors. It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.

West Buechel

Section 135.30. Definitions pertaining to weapons offenses. For the purpose of this subchapter the following words shall have the following meaning ascribed to them respectively:

(A) "Deface." To remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

(B) "Firearm." Any weapon which will expel a projectile by the action of an explosive.

* * * * *

Section 135.34. Possession of a defaced firearm. (A) A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency of such possession prior to arrest or authorization of a warrant by a court.

Louisiana

State Law Rev. Stat.

La. Stat. Ann.

Title 40

Sec. 1751. Definitions. For purposes of this Part, "machine gun" includes all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device. "Manufacturer" includes all persons manufacturing machine guns; "Merchant" includes all persons dealing with machine guns as merchandise.

Sec. 1752. Handling of machine guns unlawful; exceptions. No person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within this state, except that:

(1) All duly appointed peace officers may purchase, possess, carry, and transport machine guns.

(2) This Part does not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States or from this state. The members of such Corps, National Guard, and organizations may possess, carry, and transport machine guns while on duty.

(3) Persons possessing war relics may purchase and possess machine guns which are relics of any war in which the United States was involved, may exhibit and carry the machine guns in the parades of any military organization, and may sell, offer to sell, loan, or give the machine guns to other persons possessing war relics.

(4) Guards or messengers employed by common carriers, banks, and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation, or delivery, or in the guarding of any money, treasure, bullion, bonds, or other thing of value. Their employers may purchase or receive machine guns and keep them in their possession when the guns are not being used by their guards or messengers.

(5) Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess, and transport machine guns in the same manner as other merchandise except as otherwise provided in this Part. Common carriers may possess and transport unloaded machine guns as other merchandise.

Sec. 1753. Transfers of possessions permitted in certain cases; method. No manufacturer or merchant shall permit any machine gun to pass from his possession to the possession of any person other than:

(1) A manufacturer or a merchant.

(2) A common carrier for shipment to a manufacturer or merchant.

(3) A duly authorized agent of the government of the United States or of this state, acting in his official capacity.

(4) A person authorized to purchase a machine gun under the provisions of paragraphs (1) and (4) of R.S. 40:1752.

Manufacturers or merchants shall not deliver a machine gun to any of the persons authorized to purchase it under the provisions of paragraphs (1) and (4) of R.S. 40:1752 unless the person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the parish in which the manufacturer or merchant has his place of business or delivers the machine gun. The manufacturer or merchant shall retain the written permit and keep it on file in his place of business. Each sheriff shall keep a record of all permits issued by him.

(Sec. 1754. requires that every manufacturer or merchant shall keep a register of all machine guns manufactured or handled by him)

Part II: Registration

Sec. 1781. Definitions. For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

(1) "Dealer" means any person not a manufacturer or importer engaged in this state in the business of selling any firearm. The term includes wholesalers, pawnbrokers, and other persons dealing in used firearms.

(2) "Department" means the Department of Public Safety.

(3) "Firearm" means a shotgun having a barrel of less than eighteen inches in length; a rifle having a barrel of less than sixteen inches in length; any weapon made from either a rifle or a shotgun if said weapon has been modified to have an overall length of less than twenty-six inches; any other firearm, pistol, revolver or shotgun from which the serial number or mark of identification has been obliterated, from which a shot is discharged by an explosive, if that weapon is ca-

pable of being concealed on the person; or a machine gun or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition. Pistols and revolvers and those rifles and shotguns which have not previously been defined in this Paragraph as firearms from which serial numbers or marks of identification have not been obliterated are specifically exempt from this definition.

(4) "Importer" means any person who imports or brings into the state any firearm.

(5) "Machine gun" means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger.

(6) "Manufacturer" means any person who is engaged in this state in the manufacture, assembling, alteration, or repair of any firearm.

(7) "Muffler" or "silencer" includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined in this Section.

(8) "Transfer" includes the sale, assignment, pledge, lease, loan, gift, or other disposition of any firearm.

Sec. 1782. Exemptions from Part. This Part does not apply to the following persons and things:

(1) Sheriffs or equivalent municipal officers in municipalities of over ten thousand, when they are acting in their official capacity.

(2) The arms, accoutrements, and equipment of the military and naval forces of the United States or of other officers of the United States authorized by law to possess weapons of any kind.

(3) The arms, accoutrements, and equipment of the militia.

(4) Any firearm which is unserviceable and which is transferred as a curiosity or ornament.

Sec. 1783. Registration with department of public safety. Every person possessing any firearm shall register with the department the number or other mark identifying the firearm, together with his name, address, and place of business or employment, the place where the firearm is usually kept, and, if the person is other than a natural person, the name and home address of the executive officer thereof having control of the firearm and the name and home address of the person having actual possession thereof.

Sec. 1784. Application to possess or transfer. No person shall continue to possess or shall transfer any firearm without the prior approval of the department. Interested persons shall file written application in duplicate on application forms issued in blank for those purposes by the department. In the case of transfers of any firearm, applications shall be filed by both the proposed vendor and the proposed vendee.

The applications shall set forth, in the original and duplicate, the manufacturer's number or other mark identifying the firearm. Both the original and duplicate shall be forwarded to the department. If approved, the original shall be returned to the applicant.

Sec. 1785. Possession or dealing in unregistered or illegally transferred weapons. No person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with this Part.

Sec. 1787. Importation, manufacture, or dealing in without registration. Upon first engaging in business, every importer, manufacturer, and dealer in firearms shall register with the department his name or style, principal place of business and other places of business in this state. No person required to register under the provisions of this Section shall import, manufacture, or deal in any firearm without having registered as required by this Section.

Sec. 1788. Identification with number or other mark; obliteration or alteration of number or mark. A. Each manufacturer, importer, and dealer in any firearm shall identify it with a number or other identification mark approved by the department and shall mark or stamp or otherwise place the number or mark thereon in a manner approved by the department.

B. No one shall obliterate, remove, change, or alter this number or mark. Whenever, in a trial for a violation of this Sub-section, the defendant is shown to have or to have had possession of any firearm upon which the number or mark was obliterated, removed, changed, or altered, that possession is sufficient evidence to authorize conviction unless the defendant explains it to the satisfaction of the court.

Part III. Purchase of rifles and shotguns

Sec. 1802. Definitions As used in this Part:

(1) "A state contiguous to this state" shall mean any state having a common border with this state.

(2) All other terms shall be given the meaning prescribed in 18 U.S.C. Sec. 921 (The Gun Control Act of 1968, Public Law 90-618), and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereafter modified.

Sec. 1803. Purchase of rifle or shotgun or ammunition. It shall be lawful for any person residing in this state, including any corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun or ammunition in any state which is contiguous to this state and to receive or transport such rifle or shotgun or ammunition into this state and to permit any person residing in a contiguous state to purchase shotguns, rifles or ammunition in this state and to receive or transport such rifles, shotguns or ammunition in this state.

Title 14

91. Unlawful sales to minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of knowledge of the minor's age shall not be a defense.

95.1 Possession of firearm or carrying concealed weapon by a person convicted of certain felonies.

A. It is unlawful for any person who has been convicted of first or second degree murder, manslaughter, aggravated battery, aggravated or simple rape, aggravated kidnapping, aggravated arson, aggravated or simple burglary, armed or simple robbery, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony or any crime defined as an attempt to commit one of the above enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the above enumerated crimes, to possess a firearm or carry a concealed weapon.

* * * * *

C. Except as otherwise specifically provided, this Section shall not apply to the following cases: (1) The provisions of the Section prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of certain felonies shall not apply to any person who has not been convicted of any felony for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.

(2) Upon completion of sentence, probation, parole, or suspension of sentence the convicted felon shall have the right to apply to the sheriff of the parish in which he resides, or in the case of Orleans Parish the superintendent of police, for a permit to possess firearms. The felon shall be entitled to possess the firearm upon the issuing of the permit.

* * * * *

Arnaudville

Section 7:130. Illegal carrying of weapons prohibited. A. No person shall commit the crime of illegal carrying of weapons.

B. Illegal carrying of weapons is: * * * 2. The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien: * * *.

Bogalusa

59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

Coushatta

Criminal Code

Article 58. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. * * *

Article 59. Illegal carrying of weapons: Illegal carrying of weapons is: * * * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien * * * * *.

Crowley

8-44. Weapons—Illegal carrying. (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

(b) Whoever commits illegal carrying of weapons shall be guilty of a misdemeanor.

Denham Springs

Article 59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

Article 60. Illegal carrying of weapons. Illegal carrying of weapons is: * * * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * * * *

DeRidder

7-68. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Sec. 21-223. Retail dealers in pistols, rifles or cartridges. * * * * * (b) No person shall sell, at wholesale or retail, pistols, or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in R.S. 47:382 and 47:383, and without first obtaining the license imposed by this article authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges. * * *

East Baton Rouge Parish

94. Illegal use of weapons or dangerous instrumentalities. (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Franklinton

Sec. 8-69. Unlawful sales to and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Houma

9-31. Illegal carrying. (a) Defined. Illegal carrying of weapons is: (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Jean Lafitte

Ordinance 25

Article 40. Illegal carrying of weapons: * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * *

Jefferson Parish

Section 12-17.1. All dealers in firearms, prior to delivering any firearm, will ascertain from the Jefferson Parish Sheriff's Office that the purchaser is not a convicted felon and is not charged as a felon.

(a) Dealers in firearms will contact the Sheriff's Office to determine if a buyer is a convicted felon or if felony charges are pending. Dealers will indicate on their record the name of the deputy who conducted the electronic investigation.

(b) It shall be unlawful for any person in the Parish of Jefferson to sell, offer for sale, assign, pledge, lease, loan, give, transfer, purchase or receive any firearm, pistol or revolver to or from a known felon.

Jennings

20-49. Illegal carrying of weapons. (a) Illegal carrying of weapons is: * * * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * * * *

Kenner

10-93. Wholesale dealers in pistols, rifles or cartridges. Every wholesale dealer in pistols, pistol cartridges, blank pistols, blank cartridges, and all rifles except .22 and .25 calibers, and rifle cartridges, except .22 and .25 calibers, shall pay an annual license on the said business. * * *

No dealer shall be deemed a wholesale dealer unless he sells to dealers for resale.

10-94. Retail dealers in pistols, rifles or cartridges. (b) No person shall sell, at wholesale or retail, pistols, or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in R.S. 47:382 and 47:383, and without first obtaining the license imposed by this article authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Kentwood

Article 46. Illegal carrying of weapons. Illegal carrying of weapons is: * * * * * (2) The ownership, possession, custody or use of

any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * * * *

Lafayette City

B. No person shall sell at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in Title 47, Section 382 and Section 383, and without first obtaining the license imposed by this Ordinance authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lafayette Parish

B. No person shall sell, at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required in this Section or in Section 32 of this Ordinance, or without first obtaining the license which may be imposed by any municipal or parochial authority for the sale of pistols or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lake Providence

Ordinance 1161

Section II. Illegal Carrying or Possession of Weapons: Illegal carrying or possession of weapons is: * * * * * 3. The receipt, possession, carrying, concealment, buying, selling or transferring, of any machine-gun, shotgun having a barrel of less than twenty (20) inches in length, rifle having a barrel of less than sixteen (16) inches in length, hand-grenade, gas-grenade, muffler or silencer, which has not been properly registered with the Louisiana Department of Safety.

Many

59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivery for value by anyone over the age of seventeen of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of knowledge of the minors' age shall not be a defense.

Monroe

10-20. Dangerous weapons—Illegally carrying. It shall be unlawful for any person to commit the act of the illegal carrying of weapons. Illegal carrying of weapons is:

(2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Morgan City

Sec. 10-11. * * * sale of firearms to minors. It shall be unlawful for any person to sell, offer, or expose for sale within the corporate limits of the city, * * * to sell firearms to minors.

New Orleans

Section 42-59. Illegal Possession or Ownership of Firearms or Other Dangerous Instruments by Certain Persons. It shall be unlawful for any of the following persons to own, have in his possession, or in any vehicle under his control, any shotgun, rifle, firearm, muffler, silencer or any ammunition for any such weapon, or any other instrument customarily used or intended for use as a dangerous weapon:

1) Any person convicted of a crime of violence in any court of the State of Louisiana or any other state, territory or in the District of Columbia, or in any District Court of the United States;

2) Any person under indictment for or charged by information with any crime of violence;

3) Any person who is a fugitive from justice;

4) Any person who is an unlawful user of or addicted to narcotics, barbiturates or amphetamines.

Section 42-62. Unlawful Sale, Transfer to Persons under Eighteen. It is unlawful to sell or transfer any shotgun, rifle, air pistol, air rifle or firearm to persons under eighteen (18) years of age.

Section 42-63. Unlawful to Sell or Transfer Firearms Except upon Compliance with this Article. It shall be unlawful for any person or dealer in the City of New Orleans to sell or transfer or for any person to acquire in any manner, any firearm except as authorized by this Article.

Section 42-64. Procedure for Sale or Transfer of Firearms, Record of Transfers. No person or dealer shall sell or transfer any firearm until the Federal Firearms Transaction Record shall have been executed in *triplicate* by the prospective purchaser or transferee, and the applicant's fingerprints applied to one copy of application.

* * * * *

Section 42-66. Unlawful to Sell, Transfer Firearms to Certain Persons. It shall be unlawful for any person or dealer to sell or transfer a firearm to any person whom he knows or has reasonable cause to believe: 1. has been convicted of a crime of violence; 2. is a fugitive from justice; 3. is an unlawful user of or addicted to narcotics, barbiturates or amphetamines; 4. the person is visibly under the influence of alcohol or drugs; 5. the person is under eighteen (18) years of age.

New Roads

2. The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien * * * [is illegal]

* * * * *

Oakdale

Sec. 8-67. Unlawful sales to minors. (a) Unlawful sales to minors is the selling, or otherwise delivering for value, by anyone over the age of seventeen (17) of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Sec. 23-261. Retail dealers in pistols, rifles, and cartridges. (a) Every retail dealer in pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers, or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, shall pay an annual license tax on the said business.

* * * * *

(c) No person shall sell, at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles except rifles of .22 and .25 calibers or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required in this section or section 23-260.

Opelousas

Sec. 18-8. (Minors)—Sale of weapons to. It shall hereafter be unlawful for any person to sell, barter, lend, give, or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age.

It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol,

dirk, or other deadly weapon to any minor between seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents, or legal guardian of such a minor.

Plaquemine

Sec. 11-69. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21) and shall be unlawful. Lack of the knowledge of the minor's age shall not be a defense.

Sec. 11-70. Illegal carrying of weapons. Illegal carrying of weapons is: * * * * * (b) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien: * * * * *.

Vernon Parish

Ordinance 4 of 1974

Section I. It shall be unlawful for any business, firm or corporation, to sell, lease or give, individually or by agent, any pistol, * * * toy pistol for which cartridges are used, or other dangerous weapon which may be carried concealed, to any person under the age of eighteen.

Section II. It shall be unlawful for any business, firm or corporation, in Vernon Parish to sell, give away, lend, exchange or otherwise dispose of or transfer in Vernon Parish or for any business, firm or corporation to purchase, borrow, accept as a gift, exchange or otherwise receive any pistol, revolver, automatic pistol or firearm whatsoever capable of being concealed on the person, except as authorized by this article.

Section III. Prior to the actual delivery or transfer of any of the articles mentioned in the preceding section, the business, firm or corporation desiring to obtain any such article shall file a written application, in duplicate, with the Sheriff of Vernon Parish. The Sheriff of Vernon Parish may also require the fingerprints of the applicant as part of such application.

Section VI. The transfer under applications to purchase articles under this article shall be made only between the hours of 9:00 A.M. and 5:00 P.M. on the following day stated therefor in the approved application and such transfer shall be openly and publicly made and only to the person signing the application.

Section VIII. The word "business" in the foregoing article, will apply to any person or individual who is conducting a business of selling or distributing guns or other weapons, provided, however, that this will not apply to a private transaction as between two individuals, neither of whom is engaged in the business or enterprise of selling guns or other weapons.

Vinton

Article 59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of the knowledge of the minor's age shall not be a defense. * * * * *

Article 60. Illegal carrying of weapons. Illegal carrying of weapons is: * * * * *

(2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * * * *.

Waterproof

* * * * *

(2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien (is illegal) * * *

Welsh

Sec. 18-69. Unlawful sales to and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Westwego

Section 15:160. Sale or distribution of guns, permits required. A. It shall be unlawful for any person, firm or corporation to sell, offer for sale, assign, pledge, lease, loan, give away, transfer or purchase any pistol revolver or rifle of whatever nature or kind, without first having obtained from the Sheriff of the Parish of Jefferson, Permit Department, a permit therefor.

B. Any person, firm or corporation interested in the sale, assignment, pledge, lease, loan, gift, transfer or purchase of any pistol, revolver or rifle, as aforesaid, shall file written application in duplicate on application forms issued in blank for these purposes by the permit department of the Sheriff of the Parish of Jefferson. * * * * *

Winnfield

* * * * *

Article 5. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of knowledge of the minor's age shall not be a defense.

* * * * *

Maine

State Law

Me. Rev. Stat. Ann.

Title 12

Sec. 2458. Silencers; * * * * *No person shall sell, offer for sale, use or have in his possession any gun, pistol or other firearms, fitted or contrived with any device for deadening the sound of explosion. * * * * *

Title 15

Sec. 391. Definitions. The following words and phrases when used in this chapter are defined as follows: "Pistol," "revolver" and "firearm" mean a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than 12 inches in length.

Sec. 392. Application. The penal provisions of section 393 shall not apply to any person employed as a law enforcement officer or employed by a watch, guard or patrol agency licensed under Title 32, chapter 55-A.

Sec. 393. Possession of firearms prohibited for certain persons.

1. Possession prohibited. No person who has been convicted of any crime, under the laws of the United States, the State of Maine

or any other state, which is punishable by one year or more imprisonment or any other crime which was committed with the use of a dangerous weapon or of a firearm against a person, except for a violation of Title 12, chapter 319, subchapter III, shall own, have in his possession or under his control any firearm, unless such a person has obtained a permit under this section.

* * * * *

7. **Definitions.** For the purposes of this section, the term "dangerous weapon" shall have the same meaning as in Title 17-A, section 2, subsection 9 and the term "firearm" shall have the same meaning as in Title 17-A, section 2, subsection 12-A.

Sec. 455. Record of sales of firearms. No dealer shall sell, let or loan any firearm to any person without first recording in a book kept for the purpose the name or make, calibre and number, if any, of said firearm, and the name and address of the purchaser or recipient of said firearm. Said record shall be made before said firearm is delivered, * * *

Title 17-A

Criminal Code

Sec. 2. Definitions. As used in this code, unless a different meaning is plainly required, the following words and variants thereof have the following meanings. * * * * *

12-A. "Firearm" means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon which can be readily made into a firearm by the insertion of a firing pin, or other similar thing in the actual possession of the actor or an accomplice, is a firearm.

Sec. 554. Endangering the welfare of a child.

1. A person is guilty of endangering the welfare of a child if * * * he knowingly sells, furnishes, gives away or offers to sell, furnish or give away to such a child (under the age of 16 years), * * * firearms or ammunition; * * *

2. It is an affirmative defense to prosecution under this section that:

* * *

B. The defendant was a person acting pursuant to authority expressly or impliedly granted in Title 12.

Sec. 1051. Possession of machine gun

1. A person is guilty of possession of a machine gun if, without authority to do so, he knowingly possesses a machine gun.

2. As used in this chapter, "machine gun" means a weapon of any description, by whatever name known, loaded or unloaded, which is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanism.

3. Possession of a machine gun is a Class D crime.

Sec. 1052. Right to possess, carry or transport machine gun. Any law enforcement officer of the State of Maine, any law enforcement officer of another state or a territory of the United States, members of the Armed Forces, Maine National Guard and Maine State Guard may possess a machine gun if the possession or carrying of such weapon is in the discharge of his official duties and has been authorized by his appointing authority.

Machine guns manufactured, acquired, transferred or possessed in accordance with the National Firearms Act, as amended, shall be exempt from this chapter.

Title 25

Sec. 2041. Purchase by Maine residents in another state. Residents of the State may purchase rifles and shotguns in a state contiguous to the State of Maine, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the law applicable to such purchase in the State of Maine and in the contiguous state in which the purchase is made.

Bangor

Ch. VII; Art. 5

1.4 Sale of Cartridge to Children under Sixteen. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge of fixed ammunition or blank cartridge, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge.

Biddeford

Sec. 24-17. Defined. For the purpose of this article a "hand gun" shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one (1) hand, using fixed ammunition.

Sec. 24-18. Conveyances to conform to article. No person in the city shall sell, give or deliver to any person any hand gun except in accordance with the provisions of this article.

Sec. 24-19. Purchaser to sign certificate;* * * Any person desiring to sell, give or deliver a hand gun shall require the person seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents]* * *

* * * * *

Sec. 24-20. Penalty for signing certificate containing false information. Any person who signs a certificate required in section 24-19 containing false information for the purpose of complying with the provisions of this article shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars ($100.00).

Sec. 24-21. Police chief to examine purchaser's record, report results. Any person desiring to sell, give or deliver a hand gun shall deliver the certificate required in section 24-19 to the chief of police at police headquarters; and the chief shall have seventy-two (72) hours after receipt of the certificate to make an examination of the records contained in the police department and in state police headquarters at Augusta, Maine * * *.

Sec. 24-22. When selling, giving, delivering hand gun a violation. Any person selling, giving or delivering a hand gun to any person before the expiration of the seventy-two (72) hour examination period required by section 24-21 or when notified within such period by the chief of police that a person signing the certificate required by section 24-19 has been convicted of, or is under complaint or indictment for, assault, assault and battery or a felony; is a user of or addicted to marijuana or any depressant, stimulant or narcotic drug; or has been judged by a court as a mental defective or has been committed to, or voluntarily has been a patient at, a mental institution, shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars ($100.00).

Cape Elizabeth

1. **No person, firm, or corporation** in the Town of Cape Elizabeth shall sell and deliver to any person, or shall give or lend to any person except members of the household or upon the grounds of and for use at an established target range, any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. **A hand gun shall mean** a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. **Such person, firm, or corporation** shall require the person seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents]* * *

4. **Such person, firm, or corporation** shall deliver such certificate to the Chief of Police of the Town of Cape Elizabeth, or his duly authorized representative, at Police

Headquarters, and said Chief of Police or his duly authorized representative shall have seven calendar days after delivery of said certificate to make an examination of the records contained in the police department of the Town of Cape Elizabeth, in the police department of any other municipality listed as an address on such certificate, and in State Police Headquarters at Augusta, Maine * * *

5. **Any person, firm, or corporation** selling and delivering, giving or lending a hand gun to any person without complying with the provisions of this Ordinance, or before the expiration of said seven calendar days or when notified within said period by the Chief of Police or his duly authorized representative [that the person is not eligible to receive a handgun] * * * shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00 * * *.

6. **Any person** who signs a certificate containing false information for the purpose of complying with the provisions of this Ordinance, or who accepts a hand gun without complying with the provisions of this Ordinance, shall be guilty of a violation of this Ordinance and subject to a fine of not more than $100.00 * * *.

Falmouth

1. **Definition.** No person, firm, or corporation in the Town of Falmouth shall sell, give, or in any manner transfer title to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. **Hand Gun.** A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. **Certificate.** Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents] * * *

4. **Waiting period.** Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the Town of Falmouth, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the Town of Falmouth and in the State Police Headquarters at Augusta, Maine * * *

5. **Penalty for selling.** Any person, firm, or corporation selling, giving, or delivering a hand gun to any person before the expiration of said 72 hours or when notified within said period by the Chief of Police, or his authorized representative, that [the person is not eligible to receive a handgun] * * * shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00.

Lewiston

Sec. 28-1. Sale of weapons to minors prohibited; placard required. (a) It shall be unlawful for any person in the city to sell or offer for sale any pistol, rifle, * * * gun, * * * or any other weapon of like kind to any child under the age of sixteen (16) years.

(b) In any establishment in the city wherein any pistol, rifle, * * * gun, * * * or any other weapon of like kind is offered for sale, there shall be conspicuously posted in such establishment by the person in charge of the operation of such establishment a placard or notice setting forth the provisions of this section. * * *

* * * * *

Article II. Hand Guns

* * * * *

Sec. 28-29. Defined. For the purpose of this article, a hand gun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one (1) hand, using fixed ammunition, except antique hand guns as defined by federal gun law.

* * * * *

Sec. 28-32. Conveyance to conform to regulations. No person in the city shall sell, rent or exchange to any person any hand gun, except in accordance with the provisions of this article.

* * * * *

Sec. 28-34. Police to examine purchaser's record. The person proposing to sell, rent or exchange a hand gun shall deliver to the police department the application required by this article, upon which shall be endorsed the time of receipt by the officer receiving the application. Upon receipt of the application, the police department shall, as soon as possible, but within seventy-two (72) hours thereafter, make an examination of its records, the records of the state police and the records of such other law enforcement agencies * * * [to determine if the applicant is eligible to receive a hand gun]

Sec. 28-35. Disposition prohibited pending investigation, after notification of bad record; notification procedure. No person shall sell, rent or exchange any hand gun to an applicant during the period of investigation required by this article or thereafter if notified during such period by the police department that the applicant [is not eligible to receive a hand gun] * * * Said notification shall be delivered to the person proposing to sell, rent or exchange the hand gun by an officer of the police department, obtaining at the time of delivery a receipt or acknowledgment of the notification and the time and date received, whenever possible.

* * * * *

Portland

Section 318.1 No person, firm, or corporation in the City of Portland shall sell, give, or deliver to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

Section 318.2 A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

Section 318.3 Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate * * *.

Section 318.4 Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the City of Portland, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the City of Portland and in State Police Headquarters at Augusta, Maine * * *.

Presque Isle

20. Sale and use of firearms. A. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge.

South Portland

Sec. 26-4. Certain weapons not to be purchased from, furnished to minors, etc. No person shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Sec. 26-22. Person receiving hand gun to sign certificate; contents of certificate. A person selling, giving or delivering a hand gun to any person shall require the person seeking to purchase or obtain such firearm to sign a certificate [contact local authorities for required contents] * * *

Sec. 26-24. Duty to deliver certificate to police; police to conduct investigation, report results. (a) A person proposing to sell, give or deliver a hand gun to another person shall deliver the certificate referred to in section 26-22 to the chief of police, or his duly authorized representative, at police headquarters. The chief or his duly authorized representative shall have seven (7) days after receipt of the certificate to make an examination of the records contained in the police department of the city and in the state police headquarters in Augusta, Maine, and such other appropriate records [to determine if the applicant is eligible to receive a hand gun] * * *

(b) The chief of police or his duly authorized representative may waive the seven (7) day waiting period described in subsection (a) by written endorsement to that effect on the certificate.

Sec. 26-25. When disposition a violation; penalty. Any person selling, giving or delivering a hand gun to any person before the expiration of the seven (7) days referred to in section 26-24, or failing to complete the certificate referred to in section 26-22 and deliver it to the chief of police, or when notified within said period by the chief, or his authorized representative, that a person signing the certificate [is not eligible to receive a hand gun] * * * shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars ($100.00), in addition to any other penalties which this chapter may impose.

Westbrook

24-2. Toy guns, cannons, etc., not to be sold, * * * railroad excepted. No person shall at any time sell or keep for sale * * * any toy pistol, toy gun, toy cannon or cane that can be used to fire a blank cartridge or potash and sulphur pellet, any fire balloon or blank cartridge. This section shall not apply to the use of signal torpedoes by railroads in the operation of their trains, to paper cap pistols or paper caps.

24-14. Defined. A handgun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one hand, using fixed ammunition.

24-15. Disposition regulated. No person in the city shall sell, give or deliver to any person any handgun as hereinbefore defined, except in accordance with the provisions of the following sections.

24-16. Purchaser, etc., to sign certificate; contents; * * *. (a) A person selling, giving or delivering a handgun to any person shall require such person to sign a certificate [contact local authorities for required contents] * * *

24-17. Police chief to run investigation on purchasers. One disposing of a handgun shall deliver the certificate required by the preceding section to the chief of police at police headquarters, and the chief shall have seven (7) days after receipt of such certificate to make an examination of the records contained in the police department and in the state police headquarters, in Augusta, Maine, or other departments, [to determine if the applicant is eligible to receive a hand gun] * * * and to report such findings to the person filing such certificate.

24-18. Conveyance prior to investigation, when knowing purchaser's defects. Any person selling, giving or delivering a handgun to any person before the expiration of the seven (7) day period referred to in section 24-17 or when notified within such period by the chief of police that a person signing such certificate [is not eligible to receive a hand gun] * * * shall be guilty of a violation * * *

Maryland

State Law

The Ann. Code of Md.

27 Sec. 372. Definitions. "Machine gun" as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

27 Sec. 373. Use of machine gun for crime. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a felony punishable by imprisonment in the State penitentiary for a term of not more than twenty years.

27 Sec. 374. Use of machine gun for aggressive purpose. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not more than ten years.

27 Sec. 375. What constitutes aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in Sec. 379 and has not been registered as in said section required; or

(d) When empty or loaded shells which have been used or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

27 Sec. 376. Presence prima facie evidence of use. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

27 Sec. 377. Exceptions. Nothing contained in this subtitle shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States, the several states or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose; or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

27 Sec. 378. Manufacturer's register; inspection of stock. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the method and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock

of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not more than one hundred dollars.

27 Sec. 379. **Registration of machine guns.** Every machine gun now in this State shall be registered with the Superintendent of the Maryland State Police, on June 1, 1933, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of the State Police and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose.

* * * * *

27 Sec. 406. **Sale, etc., of deadly weapon or ammunition therefor to minor; exceptions.** It shall be unlawful for any person, be he licensed dealer or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons or any ammunition therefor, to any minor under the age of eighteen years, except with the express permission of a parent or guardian of such minor. Any person violating this section shall on conviction thereof pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution; and upon failure to pay said fine and costs shall be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur, provided, however, that the provisions of this section shall not apply to a member of any organized militia in Maryland, when said member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and provided further that none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

27 Sec. 441. **Definitions.** (a) As used in this subtitle—

(b) The term "person" includes an individual, partnership, association or corporation.

(c) The term "pistol or revolver" means any firearm with barrel less than twelve inches in length, including signal, starter, and blank pistols.

(d) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(e) The term "crime of violence" means abduction; arson; burglary, including common-law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

27 Sec. 442. **Sale or transfer of pistols and revolvers. (a) Right to regulate sales preempted by State.** All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on sales of pistols or revolvers are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of pistols and revolvers.

(b) Application to purchase or transfer. No dealer shall sell or transfer any pistol or revolver until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and forwarded by the prospective seller or transferor to the Superintendent of the Maryland State Police.

(c) Same—Disposition of copies. The dealer shall promptly after receiving an application to purchase or transfer, completed in accordance with subsection (e) below, forward one copy of the same, by certified mail, to the Superintendent of the Maryland State Police. The copy forwarded to the said Superintendent shall contain the name, address, and signature of the prospective seller or transferor. The prospective seller or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser or transferee shall be entitled to the remaining copy of the application.

(d) Same—Statement of penalties for supplying false information required. The application to purchase or transfer shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than two years, or a fine of not more than $1,000, or both."

(e) Same—Information required. The application to purchase or transfer shall contain the following information:

(1) Applicant's name, address, occupation, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of the jurisdiction in which the application is made.

(2) A statement by the applicant that he or she:

(i) Has never been convicted of a crime of violence, in this State or elsewhere, or of any of the provisions of this subtitle.

(ii) Is not a fugitive from justice.

(iii) Is not an habitual drunkard.

(iv) Is not an addict or an habitual user of narcotics, barbiturates or amphetamines.

(v) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others.

(vi) Is at least 21 years of age as required by federal law.

(vii) Has or has not submitted a prior application and, if so, when and where.

(3) The date and hour the application was delivered in completed form to the prospective seller or transferor by the prospective purchaser or transferee. * * * * *

(g) Sale prohibited to disapproved applicant; exceptions. No dealer shall sell or transfer a pistol or revolver to an applicant whose application has been timely disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts * * *.

(i) Notification of completed transaction; permanent record of sales and transfers. Any dealer who sells or transfers a pistol or revolver in compliance with this subtitle shall forward a copy of the written notification of such completed transaction, within seven days from the date of delivery of the said pistol or revolver, to the Superintendent of the Maryland State Police, whose duty it shall be to maintain a permanent record of all such completed sales and transfers of pistols and revolvers in the State. The notifications shall contain an identifying description of the pistol or revolver sold or transferred including its caliber, make, model, manufacturer's serial number, if any, and any other special or peculiar characteristics or marking by which the said pistol or revolver may be identified.

(j) Construction of section. Nothing in this section shall be construed to affect sales and/or transfers for bona fide resale in the ordinary course of business of a person duly licensed under Sec. 443 of this subtitle, or sales, transfer, and/or the use of pistols or revolvers by any person authorized or required to sell, transfer, and/or use such pistols

or revolvers as part of his or her duties as a member of any official police force or other law enforcement agency, the armed forces of the United States, including all official reserve organizations, or the Maryland National Guard. * * * * *

27 Sec. 443. **Pistol and revolver dealer's license. (a) Required.** No person shall engage in the business of selling pistols or revolvers unless he lawfully possesses and conspicuously displays at his place of business, in addition to any other license required by law, a pistol and revolver dealer's license issued by the Superintendent of the Maryland State Police or his duly authorized agent or agents. Such license shall identify the licensee and the location of his place of business. One such license shall be required for each place of business where pistols or revolvers are sold.

* * * * *

(Contact Maryland State Police for additional information contained in Sec. 443 concerning fees for licenses to deal in pistols and revolvers, information required on applications for such license, prohibitions, denial procedure, appeals, etc.)

(f) Sales by disapproved applicants prohibited; exceptions.—No person shall engage in the business of selling pistols or revolvers whose application for a pistol and revolver dealer's license has been disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts * * *.

27 Sec. 444. **Obliterating, etc., identification mark or number.** It shall be unlawful for anyone to obliterate, remove, change or alter the manufacturer's identification mark or number on any firearms. Whenever on trial for a violation of this section the defendant is shown to have or have had possession of any such firearms, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number.

27 Sec. 445. **Restrictions on sale, transfer and possession of pistols and revolvers. (a) Right to regulate transfer and possession of pistols and revolvers preempted by State.** All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on possession or transfers by private parties of pistols and revolvers are superseded by this section and the State of Maryland hereby preempts the right of such jurisdictions to regulate the possession and transfer of pistols and revolvers.

(b) Sale or transfer to criminal, fugitive, etc. A dealer or person may not sell or transfer a pistol or revolver to a person whom he knows or has reasonable cause to believe has been convicted of a crime of violence, or of any of the provisions of this subtitle, or is a fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly under the influence of alcohol or drugs, or to any person under 21 years of age as required by federal law.

(c) Possession by criminal, fugitive, etc. It shall be unlawful for any person who has been convicted of a crime of violence, or of any of the provisions of this subtitle or who is a fugitive from justice or a habitual drunkard, or addicted to or an habitual user of narcotics, barbiturates or amphetamines, to possess a pistol or revolver.

27 Sec. 446. **Sale, transfer, etc., of stolen pistol.** It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of any stolen pistol or revolver, knowing or having reasonable cause to believe same to have been stolen.

27 Sec. 447. **Antique or unserviceable firearms excepted.** The provisions of this subtitle shall not be construed to include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

27 Sec. 481A. **Purchase from licensed dealer in adjoining state.** It shall be lawful for any Maryland resident to purchase a rifle or shotgun from a federally licensed gun dealer in an adjoining state provided the purchaser is eligible to purchase a rifle or shotgun under the laws of such state.

27 Sec. 481C. **Short-barreled rifles and short-barreled shotguns.**

(a) Definitions.—(1) In this section, the following words have the meanings indicated.

(2) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(3) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

(5) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The terms short-barreled shotgun and short-barreled rifle do not include:

(i) Antique firearms as defined in Sec. 36F(a)(1) of this article [Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.];

(ii) Any device which is neither designed nor redesigned for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or

(iii) Any firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(b) Registration.—A person may not possess a short-barreled rifle or short-barreled shotgun unless the person has registered it with the United States government in accordance with United States statutes.

(c) Penalty.—Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding $5,000 or imprisonment not exceeding five years, or both.

Annapolis

Sec. 17-8. Same—Register of persons purchasing firearms or ammunition. Each person engaged in the selling or exchanging of any firearms, except shotguns and air and cat rifles, or ammunition, shall keep a register of the name and address of the person purchasing any firearms, cartridges or other ammunition, noting the make, caliber and date of purchase. Such register shall at all times be open to the inspection of the police.

Sec. 17-9. Same—Sellers of firearms or ammunition to register with city clerk. Each person engaged in the selling or exchanging of any kind of firearms or ammunition within the city shall register his name and place of business with the city clerk.

Sec. 17-10. Same—Selling, giving, etc., firearms or ammunition to minor under eighteen. It shall be unlawful for any person, be he a licensed dealer or not, to sell, barter or give away any firearms whatsoever or other deadly weapons or any ammunition therefor to any minor under the age of eighteen years, except with the express and written permission of a parent or guardian of such minor.

The provisions of this section shall not apply to a member of any organized militia in

the state, when such member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

Baltimore City

Article 19

81. Definitions. (1) The term "person" includes an individual, partnership, association or corporation.

(2) The term "pistol or revolver" as used in this subtitle means any firearm with barrel less than twelve inches in length.

(3) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(4) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnapping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(5) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any State, Territory, or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

85. Convicts not to possess. No person who has been convicted in this State or elsewhere for a crime of violence, shall own a pistol or have one in his possession or under his control.

88. Delivery to minors and others. No person shall deliver a pistol to any person under the age of twenty-one (21), except members of the Maryland State Guard and members of the Maryland Minute Men, or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind, or to any person visibly under the influence of liquor or of drugs. It shall be unlawful for any person to make any loan, secured by a mortgage, deposit or pledge, of a pistol or revolver.

89. Order required for transfer. No seller, transferrer or donor shall deliver a pistol to the purchaser, transferee or donee thereof except upon a written order, dated not more than sixty days prior thereto, and signed by the Police Commissioner of Baltimore City, or his agent, * * *. Such application shall be executed in triplicate. Said Police Commissioner, or his agent, shall immediately make an investigation of the applicant and if such investigation does not disclose that such applicant is [ineligible to receive a pistol] * * * said Police Commissioner or his agent, at the expiration of five days after such application is filed, shall sign an order in triplicate (which order shall be attached to said application), authorizing the applicant to purchase, transfer or give away a pistol. * * *

90. False information. No person shall, in purchasing or otherwise securing delivery of a pistol, or in registering the same, give false information or offer false evidence of his identity.

Baltimore County

18-7. Purchase, sale, etc., in connection with minors. (a) It shall be unlawful for any person under the age of twenty-one years to purchase, trade or acquire in any other manner, or to use or possess, or to attempt to use or possess, any gun, pistol, rifle, shotgun or any other type of firearm, without having first complied with the provisions of this section. Before so acquiring, using or possessing, or attempting to acquire, use or possess, any such firearm, the possessor or user, or prospective possessor or user thereof, shall first file with the police bureau a statement of possession or use, which statement shall be retained by the police bureau. (Contact county authorities for required contents) * * *

(b) It shall be unlawful for any person to sell, give or in any manner transfer to any other person under the age of twenty-one years, any firearm unless the statements of acquisition, use or possession, or prospective acquisition, use or possession have been filed with the police bureau, as required herein.

(c) The provisions of this section shall not be construed to include any antique or unserviceable firearms sold or transferred or held as curios or museum pieces.

Capitol Heights

22. It shall be unlawful for any person, firm, or corporation, be he licensed dealer or not, to sell, barter, or give away any firearms, or ammunition whatsoever, or other deadly weapons, to any minor under the age of sixteen years.

Cheverly

Sec. 20-5. Supplying firearm materials to underage persons. It shall be unlawful for any person, licensed dealer or otherwise, to sell, barter or give away shotguns, fowling pieces, rifles or any firearms whatsoever, or any ammunition, powder, shot or shells for any deadly weapon, to any person under the age of twenty-one (21) years.

Cumberland

19-11

Firearms-Pistols, Revolvers, etc.—Permit Required:

"(a) No person shall sell, give or lend to any person within the City a revolver, pistol, or other small firearm, unless such person has a permit from the Chief of Police authorizing the possession of such revolver, pistol or other small firearm.

"(b) This section shall apply to all persons within the City, whether such persons are engaged in the business of buying and selling revolvers, pistols or other small firearms or not."

19-12

* * * * *

"No person shall have possession of a revolver, pistol or other small firearm without such permit."

District Heights

6. It shall be unlawful for any child or children under the age of eighteen (18) years, to have in his possession whether for use or not, any shot-gun, rifle, pistol, firearm, * * * or any other fire-arm or missile propelling device, except and unless said child or children shall be engaging in "target practice." * * *

Eagle Harbor

Chap. 4. Sec. 6. It shall be unlawful for any person or persons to sell to any child or children under age of seventeen (17) years any firearms, gun powder or loaded cartridges * * *

Montgomery County

Sec. 57-1. Definitions. The following words and phrases shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

Crime of violence. Murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with a deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

Fixed ammunition. Any ammunition composed of a projectile or projectiles, a casing

and a primer, all of which shall be contained as one unit.

Fugitive from justice. Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this state, or who has fled from any state, territory, District of Columbia or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

Gun. Any firearm, rifle, shotgun, revolver, pistol, * * * or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive * * *

Pistol or revolver. Any gun with a barrel less than sixteen inches in length that uses fixed ammunition.

Sell or purchase. Such terms and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

Subversive organization. Any "subversive organization" or "foreign subversive organization" as defined by article 85A, section 1, Annotated Code of Maryland, 1957.

Superintendent of police. The superintendent of police for the county or his duly authorized agents. * * *

Sec. 57-6. Transfer of rifles or shotguns to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any rifle or shotgun designed to use explosive ammunition or any projectile therefor within the county to a minor under the age of eighteen years; provided, that nothing contained within this section shall be construed to apply where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor, or in connection with a regularly conducted or supervised program of marksmanship training or participation.

Sec. 57-7. Unlawful ownership or possession of firearms. It shall be unlawful for any person * * * to have a rifle or shotgun in his possession, custody, or control within the county, if:

(a) He is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in section 201 (v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731 (a) of the Internal Revenue Code of 1954), or is under treatment for such addiction; or

(b) He has been convicted in any court of a crime of violence, or of trafficking in narcotics or of a criminal violation of any of the provisions of article 27, sections 441 to 448, subtitle "Pistols", Annotated Code of Maryland, 1957 or any Federal firearms control laws; or

(c) He is a fugitive from justice; or

(d) He has been confined to any hospital or institution for treatment of a mental disorder or for mental illness unless a licensed physician has by affidavit stated that he is familiar with the person's history of mental illness and that in his opinion the person is not disabled by such illness in a manner which should prevent his possessing a rifle or a shotgun; or

(e) He is a member of a subversive organization or of any Communist organization (as that term is defined in the Internal Security Act of 1950, as amended); or

(f) He has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that he is familiar with the person's history of alcoholism and that, in his opinion, the person is no longer suffering from a disability in such a manner which should prevent his possessing a rifle or shotgun.

Sec. 57-9. Exemptions from provisions of chapter. Nothing in this chapter shall apply to the purchase, ownership or possession of bona fide antique guns which are incapable of use as a gun. Further, nothing in this chapter shall be deemed to prohibit the owner or tenant of any land from carrying or discharging a firearm on his land for the purpose of killing predatory animals which prey upon, damage or destroy his property, livestock or crops.

Oakland

Section 1: Be it enacted and ordained by the Mayor and Town Council of Oakland, Maryland, that it shall be unlawful for any person, firms, or corporation, whether licensed dealers or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons, or any blank cartridge pistols or firearms, or any ammunition for the same, to any minor under the age of sixteen years, within the corporate limits of the Town of Oakland, Maryland.

Prince Georges County

12-3. * * * (Firearms) —Sale, transfer, etc., to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon described in section 12-2. (any firearm, rifle, shotgun, revolver, pistol or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive) designed to use explosive ammunition or any projectile therefor, within the county to a minor under the age of seventeen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

This section shall not apply to any pistols or revolvers regulated by sections 441 to 448, article 27, Annotated Code of Maryland, 1957.

Takoma Park

Sec. 8-51. Definitions; weapons. * * * (a) As used in this Division:

(1) **Dangerous weapons** shall mean any pistol, excluding those defined in Subsection (a)(2), sawed off shotgun, machine gun, * * *.

(2) **Pistol or revolver** means any firearm with a barrel less than twelve (12) inches in length, including signal, starter and blank pistols.

* * * * *

Sec. 8-52. Exceptions to Article. (a) This Division shall not apply to:

(1) An officer of this City or any surrounding county, municipality, or the State who is required or entitled to carry a weapon.

(2) Any conservator of the peace of any other state temporarily sojourning in this City, or

(3) Any special agent of a railway or representative of the United States Government whose duties include the carrying of a dangerous weapon.

(b) This Division shall not apply to any pistol or revolver as defined in Section 8-51, Subsection (a)(2), or to any other weapon regulated under State law.

Sec. 8-53. Sales permit required. (a) No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any dangerous weapon without having previously obtained from the Clerk a special license authorizing the conduct of this business by this person. The Clerk is authorized to grant a license, without fee therefor, upon the filing with him by the applicant a bond, with sureties to be approved by the Mayor and Council, conditioned in a penal sum as they shall fix, to the City, for the compliance by the applicant with all the provisions of this Section.

(b) Upon any breech of the condition, the bond shall be put in suit by the City, for its benefit, and the Mayor and Council may revoke the license.

Sec. 8-57. Sales to minor prohibited. No person shall sell, barter, hire, lend, or give to any minor under the age of twenty-one (21) years any dangerous weapon.

Sec. 8-58. Sales of weapons to minors prohibited. (a) No person shall sell to any child or children under the age of eighteen (18) years, firearms, ammunition, gunpowder, gun caps, or other explosives in any quantity or quantities.

(b) Toy pistol caps as legalized under Maryland State Law shall not be construed to be prohibited under this Section.

Sec. 8-59. Minors not to possess weapons; exceptions. (a) No person under the age of eighteen (18) years shall carry or have in his or her possession upon any street, avenue, road alley, park or public space in the City any gun, pistol, rifle, * * * or other dangerous weapon of any character. Such weapons may be confiscated if found to be carried, or possessed, in violation of this Section;

(b) Nothing in this Section shall be so construed as to prohibit members of duly authorized military or law enforcement organizations from the proper use of their guns and other equipment as members of such organizations.

Upper Marlboro

Sec. 12-3. Same—sale, transfer, etc., to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon described in section 12-2, designed to use explosive ammunition or any projectile therefor, within the county to a minor under the age of seventeen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

This section shall not apply to any pistols or revolvers regulated by sections 441 to 448, article 27, Annotated Code of Maryland, 1957.

Massachusetts

State Law

Ann. Laws of Mass.

Chapter 140

Sec. 121. Definitions; Application for License or Identification Card; Exceptions. In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel is less than sixteen inches or eighteen inches in the case of a shotgun, and the term "length of barrel" shall mean that portion of a firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided or stabilized, and shall include the chamber. A "machine gun" is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, and includes a submachine gun. The term "ammunition" shall mean cartridges or cartridge cases, primers (igniter), bullets or propellent powder designed for use in any firearm, rifle or shotgun, The term "ammunition" shall also mean tear gas cartridges, chemical mace, or any device or instrument which contains or emits a liquid, gas, powder, or any other substance designed to incapacitate. The words "purchase" and "sale" include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilt, or a plea of guilty whether or not final sentence is imposed. "Licensing Authority" shall mean the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

Where the local licensing authority has the power to issue licenses or cards under this chapter, but no such authority exists, any resident or applicant may apply for such license or firearm identification card directly to the commissioner of the department of public safety and the commissioner shall for this purpose be the licensing authority.

Sections one hundred and twenty-two to one hundred and twenty-nine D, inclusive, and sections one hundred and thirty-one A, one hundred and thirty-one B and one hundred and thirty-one E shall not apply to

(A) any firearm, rifle or shotgun including any firearm, rifle or shotgun with matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before eighteen hundred and ninety-eight;

(B) any replica, or any firearm, rifle or shotgun described in clause (A) if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

Sec. 122. Licenses; * * * The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation, grant a license to any person except an alien, a minor or a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell, rent or lease firearms, rifles, shotguns or machine guns, or to be in business as a gunsmith. * * * * *

Sec. 122B. License to Sell Ammunition. No person shall sell ammunition in the commonwealth unless duly licensed. The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may grant a license to any person, except an alien, a minor or a person who has been convicted of a felony in any state or federal jurisdiction, or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell ammunition. * * * * *

Sec. 123. Conditions of Licenses Granted under Sec. 122. A license granted under section one hundred and twenty-two shall be expressed to be and shall be subject to the following conditions: * * * * *

Second, That every licensee shall, before delivery of a firearm, rifle or shotgun, make or cause to be made a true, legible entry in a sales record book to be furnished by the commissioner of public safety and to be kept for that purpose, specifying the complete description of the firearm, rifle or shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun, whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun, the sex, residence and occupation of the purchaser, renter or lessee, and shall before delivery, as aforesaid, require the purchaser, renter or lessee personally to write in said sales record book his full name. * * * * *

Seventh, That no delivery of a firearm or of ammunition therefor shall be made to any minor nor to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one nor shall any delivery of a rifle or shotgun or ammunition therefor be made to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one or a firearm identification card issued under the provisions of section one hundred and twenty-nine B; provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit to purchase said firearm issued under the provisions of section one hundred and thirty-one A and a valid firearm identification card issued under section one hundred and twenty-nine B may be made by the licensee to the purchaser's residence or place of business. Eighth, That no firearm shall be sold, rented or leased to a minor or a person who has not a permit then

in force to purchase, rent or lease the same issued under section one hundred and thirty-one A, and a firearm identification card issued under the provisions of section one hundred and twenty-nine B, or unless such person has a license to carry firearms issued under the provisions of section one hundred and thirty-one; nor shall any rifle or shotgun be sold, rented or leased to a person who has not a valid firearm identification card as provided for in section one hundred and twenty-nine B, or has a license to carry firearms as provided in section one hundred and thirty-one; and that no machine gun shall be sold, rented or leased to any person who has not a license to possess the same issued under section one hundred and thirty-one. * * * Eleventh, That the second, fifth, eighth and ninth conditions shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms, rifles or shotguns unless said gunsmith has manufactured a firearm, rifle or shotgun for the purchaser, but said gunsmith shall keep records of the work done by him together with the names and addresses of his customers. * * * * *

Sec. 128. Penalty for Violation of License or Selling, etc., without License. Any licensee under a license described in section one hundred and twenty-three, and any employee or agent of such licensee, who violates any provision of said section required to be expressed in the second, fourth, sixth, seventh, eighth or ninth condition of said license, and except as provided in section one hundred and twenty-eight A, any person who, without being licensed as hereinbefore provided, sells, rents or leases, or exposes for sale, rental or lease, or has in his possession with intent to sell, rent or lease, a firearm, rifle, shotgun or machine gun, or is engaged in business as a gunsmith, shall for the first offense be punished by a fine of not less than five hundred nor more than one thousand dollars, and for any subsequent offense by imprisonment in the state prison for not more than ten years. Evidence that a person sold or attempted to sell a machine gun without being licensed under section one hundred and twenty-three shall, in a prosecution under this section, constitute prima facie evidence that such person is engaged in the business of selling machine guns.

Sec. 128A. Sales, etc., by Certain Unlicensed Residents Who Sell, etc., not More than Four Firearms, etc., within Calendar Year, etc. The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed, as provided in section one hundred and twenty-two, sells, exposes for sale, or has in his possession with intent to sell not more than four firearms including rifles and shotguns, in any one calendar year; provided, however, the seller has a firearm identification card or a license to carry firearms, is an exempt person under the conditions of clauses (n), (o), (r) and (s) of the fourth paragraph of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or has been issued a license to carry firearms under the provisions of section one hundred and thirty of this chapter, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the commissioner of public safety on forms furnished by said commissioner, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and firearm identification card number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun.

Sec. 129B. Firearm Identification Card; Disqualification of Applicants; * * * Any person residing or having a place of business within the jurisdiction of the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority application for a firearm identification card, which such person shall be entitled to, unless the applicant (a) has within the last five years been convicted of a felony in any state or federal jurisdiction, or within that period has been released from confinement where such person was serving a sentence for a felony conviction, or (b) has been confined to any hospital or institution for mental illness, except where the applicant shall submit with the application an affidavit of a registered physician that he is familiar with the applicant's history of mental illness and that in his opinion the applicant is not disabled by such illness in a manner which should prevent his possessing a firearm, rifle or shotgun, or (c) has within the last five years been convicted of a violation of any state or federal narcotic or harmful drug law, or within that period has been released from confinement for such a conviction; or is or has been under treatment for or confinement for drug addiction or habitual drunkenness, except when he is deemed to be cured of such condition by a registered physician, he may make application for said card after the expiration of five years from the date of such confinement or treatment and upon presentation of an affidavit issued by said physician to the effect that the physician knows the applicant's history of treatment and that in his opinion the applicant is deemed cured, or (d) is at the time of the application under the age of fifteen, or (e) is at the time of the application fifteen years of age or over but under the age of eighteen, except where the applicant submits with his application a certificate of his parent or guardian granting the applicant permission to apply for a card, or (f) is an alien. * * * * *

Sec. 129C. Same Subject; Restrictions on Possession, Transfer, etc., of Firearms, etc.; Reports; Persons and Uses Exempted from Provisions of Section; Purchases by Certain Exempt Persons. No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle, shotgun or ammunition unless he has been issued a firearm identification card by the licensing authority pursuant to the provisions of section one hundred and twenty-nine B.

No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition other than (a) by operation of law, or (b) to an exempt person as hereinafter described, or (c) to a licensed dealer, or (d) to a person who displays his firearm identification card, or license to carry a pistol or revolver. * * * * *

The provisions of this section shall not apply to the following exempted persons and uses: * * * * *

(b) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of firearms, rifles or shotguns is necessary for manufacture, display, storage, transport, installation, inspection or testing; * * * * *

(d) The regular and ordinary transport of firearms, rifles or shotguns as merchandise by any common carrier; * * * * *

(f) Possession of rifles and shotguns and ammunition therefor by nonresident hunters with valid nonresident hunting licenses during hunting season;

(g) Possession of rifles and shotguns and ammunition therefor by nonresidents while on a firing or shooting range; * * * * *

(l) The possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate

supervision of a holder of a firearm identification card or a license to carry firearms; * * * * *

(o) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty or when duly authorized to possess them;

(p) Possession of rifles and shotguns and ammunition therefor by nonresidents bearing a current license, permit or identification card to possess any firearm, rifle or shotgun in the state in which they reside;

(q) Any nonresident from a contiguous state, provided he is eighteen years of age or over when acquiring a rifle or shotgun, or ammunition, provided it is removed from the commonwealth within fourteen days of such acquisition, and provided that he is in compliance with his own state law and has the proper firearms license if required, and provided, further, that in the case of a rifle or shotgun the seller notifies the chief of police where the purchaser resides of the transfer, description and serial number of the rifle or shotgun and the name, address and license number of the purchaser and seller;

(r) Possession by a veteran's organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty and possession by the members of any such organizations when on official parade duty or ceremonial occasions; * * * * *

Any person, exempted by clauses (o), (p) and (q), purchasing a rifle or shotgun or ammunition therefor shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable.

Nothing in this section shall permit the sale of rifles or shotguns or ammunition therefor to a minor under the age of eighteen in violation of section one hundred and thirty nor may any firearm be sold to a minor nor to any person who is not licensed to carry firearms under section one hundred and thirty-one unless he presents a valid firearm identification card and a permit to purchase issued under section one hundred and thirty-one A, or presents such permit to purchase and is a properly documented exempt person as hereinbefore described.

Neither the provisions of section one hundred and twenty-nine C nor the possession of a firearm identification card issued under section one hundred and twenty-nine B shall entitle any person to carry a firearm in violation of section ten of chapter two hundred and sixty-nine.

Sec. 130. Penalty for Selling, etc., Firearms, etc., to Minor or Alien. Whoever sells or furnishes a firearm or machine gun or ammunition therefor to any alien or to a minor or whoever sells or furnishes a rifle or shotgun or ammunition therefor to an alien who does not hold a permit card issued to him under section one hundred and thirty-one H, or to a minor eighteen years of age or older, except to such minor who being eighteen years of age or older displays either a license to carry firearms or a firearms identification card, and a sporting or hunting license issued to him in the case of ammunition, or displays such license to carry, or firearm identification card together with said sporting or hunting license, and the written consent of his parent or guardian that a rifle or shotgun be sold to him or furnished to him in the case of a rifle or shotgun, or to a minor under eighteen years of age, shall have his license to sell firearms, machine guns or ammunition revoked and shall not be entitled to apply for such a license for ten years from the date of revocation and shall be punished by a fine of not less than five hundred or more than one thousand dollars. * * * * *

Sec. 131. License to Carry Pistol, etc.; Penalty. The chief of police or the board or officer having control of the police in a city or town, or the commissioner of public safety, or persons authorized by them, respectively, after an investigation, may, upon the application of any person, including a minor eighteen years of age or older who has the written consent of his parent or guardian, residing or having a place of business within their respective jurisdiction, except an alien, a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs or a minor under the age of eighteen, issue a license to such applicant to * * * possess and carry therein (within the commonwealth) a machine gun, * * * provided, however, that no minor shall be issued a license to possess and carry a machine gun. A license issued * * * to possess and carry a machine gun shall be for a period of five years, expiring on the anniversary of the applicant's date of birth occurring not less than four years but not more than five years from the date of issue.* * *

* * * * *

Sec. 131B. Penalty for Loan of Money on Pistol, etc. Whoever loans money secured by mortgage, deposit or pledge of a firearm, rifle, shotgun or machine gun shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or by both.

Sec. 131E. Purchase by Licensed Resident; * * * Any resident of the commonwealth except a minor may purchase firearms, rifles and shotguns from any dealer licensed under section one hundred and twenty-two, or from such person as shall be qualified under section one hundred and twenty-eight A, or ammunition therefor from a licensee under section one hundred and twenty-two B, upon presentation of a valid license to carry firearms issued to him under the provisions of section one hundred and thirty-one, or a permit to purchase issued to him under section one hundred and thirty-one A together with a firearm identification card issued to him under the provisions of section one hundred and twenty-nine B, or said permit to purchase together with proof of exempt status under the provisions of section one hundred and twenty-nine C, in the case of a firearm, or in the case of a rifle or shotgun, said license to carry or said firearm identification card or said proof of exempt status, except that no rifle, shotgun or ammunition therefor shall be sold to any minor under eighteen years of age nor to any minor eighteen years of age or older unless such minor displays a license to carry firearms or a firearm identification card issued to him, a hunting or sporting license issued to him, and the written consent of his parent or guardian to purchase a particular rifle or shotgun, except, however, that said written consent shall not be required for purchase of ammunition only. * * * * *

Sec. 131H. Permit to Possess, etc., Firearms by Aliens. No alien shall own or have in his possession or under his control a firearm, rifle or shotgun, except as provided in this section. The commissioner of public safety may, after an investigation, issue a permit to an alien to own or have in his possession or under his control a rifle or shotgun; subject to such terms and conditions as said commissioner may deem proper. * * * * *

Chapter 269

Sec. 10. Penalty for Unlawfully Carrying Dangerous Weapons, Possessing Machine Gun, etc. * * * * * (c) Whoever, except as provided by law, possesses a shotgun with a barrel less than eighteen inches in length, or possesses a machine gun, as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter one hundred and forty, shall be punished by imprisonment in the state prison for life or for any term of years provided that any sentence imposed under the provisions of this clause shall be subject to the minimum requirements of clause (a) of this section. * * * * *

(k) For the purpose of this section "sawed-off shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than twenty-six inches.

Sec. 10A. Sale, etc., of Silencers for Firearms. Whoever sells or keeps for sale, or

offers, or gives or disposes of by any means other than submitting to an authorized police official, or uses or possesses, any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in the state prison or for not more than two and one half years in a jail or house of correction. * * * * *

Sec. 11C. Removing, Defacing, etc., Serial or Identification Number of Firearm. * * *Possession or control of a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be prima facie evidence that the person having such possession or control is guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence that such person had no knowledge whatever that such number had been removed, defaced, altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. * * *

Sec. 11E. Firearms Sold, etc., by Manufacturers and Dealers to Have Serial Identification Numbers; Penalty. All firearms, rifles and shotguns of new manufacture, manufactured or delivered to any licensed dealer within the commonwealth shall bear serial numbers permanently inscribed on a visible metal area of said firearm, rifle, or shotgun, and the manufacturer of said firearm, rifle or shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom the firearm, rifle or shotgun was sold or delivered. No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell within the commonwealth any newly manufactured firearm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section.

No licensed manufacturer within the commonwealth shall produce for sale within the United States, its territories or possessions any firearm, rifle or shotgun not complying with paragraph one of this section. Whoever violates this section shall be punished by a fine of five hundred dollars. Each such violation shall constitute a separate offense.

Chapter 266

Sec. 102A. Possession of Infernal Machine; Notice of Seizure. Whoever, other than a police or other law enforcement officer acting in the discharge of his official duties, has in his possession or under control an infernal machine or a similar instrument, contrivance or device shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment, and the said machine, instrument, contrivance or device shall be forfeited to the commonwealth. The term "infernal machine," as used in this section, shall include any device for endangering life or doing unusual damage to property, or both, by fire or explosion, whether or not contrived to ignite or explode automatically and whether or not disguised so as to appear harmless. Notice of the seizure of any such machine, instrument, contrivance or device shall be sent forthwith to the commissioner of public safety and the article seized shall be subject to his order.

Sec. 102B. Possession, etc., of Molotov Cocktail or Similar Device; Exceptions; Penalties. Whoever makes, sells, uses or has in his possession or under his control a bottle or other breakable container containing a flammable liquid into which has been fixed or placed a wick or similar device, and which bottle or container when ignited and thrown will cause a fire or explosion, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than two and one half years, or both.

The provisions of this section shall not apply to flares, lanterns, fireworks or other such devices used for signal or illumination purposes, or for any other lawful purpose.

Whoever violates any provision of this section may be arrested without a warrant and held in custody in jail or otherwise until a complaint be made against him for such offense unless previously admitted to bail, which complaint shall be made as soon as practicable and in any case within twenty-four hours, Sundays and legal holidays excepted.

Chapter 148

Sec. 35. Possession of Bombs and Explosives; Penalty. No person shall have in his possession or under his control any bomb or other high explosive, as defined by the rules and regulations made under section nine, contrary to the provisions of this chapter or of any rule or regulation made thereunder. Whoever violates this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two and one half years, or both, and any bomb or explosive found in his possession or under his control on such violation shall be forfeited to the commonwealth. Any officer qualified to serve criminal process may arrest without a warrant any person violating this section.

Boston

(120) Firearms, license to carry or possess. The fee for a license to carry firearms in the commonwealth or to possess therein a machine gun granted by the police commissioner under section 131 of chapter 140 of the General Laws shall be $25.00.

(121) Firearms, permit to purchase, rent or lease. The fee for a permit to purchase, rent or lease a firearm granted by the police commissioner under section 131A of chapter 140 of the General Laws shall be $50.00. * * *

(122) Firearms, License to Sell, Rent or Lease. The fee for a license to sell, rent or lease firearms, rifles, shotguns or machine guns granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be $150.00.

(154) Gunsmith's License. The fee for a license to be in business as a gunsmith granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be, in the case of a person licensed to sell, rent or lease firearms, rifles, shotguns or machine guns, $15.00, and in the case of any other person, $50.00.

Fall River

Sec. 20-3. Ammunition and guns—Sale to minors. No person shall sell to any minor under the age of sixteen years, without the written consent of his parent or guardian any cartridge or fixed ammunition containing any fulminate, or any gun, pistol or other contrivance intended for the explosion of such cartridge, ammunition or fulminate.

Lynn

Relative to the Sale of Revolvers or Pistols by Dealers. Section 1. No dealer in the City of Lynn shall sell, loan, exchange or give to any person any revolver or pistol unless and until a certified copy of a written permit allowing such person to carry a revolver or pistol shall be furnished such dealer by the Chief of Police before such sale or other transfer.

Michigan

State Law

Mich. Stat. Ann.

Sec. 4.127(1) Residents purchasing firearms in contiguous states. SECTION 1. Residents of this state may purchase rifles and shotguns in any state contiguous thereto if they conform to the federal gun control act of 1968 and the regulations issued thereunder, as administered by the secretary of the treasury and the laws of the state where the purchase is made.

Sec. 28.91 Terms defined. SECTION 1. As used in this act:

(a) "Pistol" means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(b) "Purchaser" means any person who receives a pistol from another by purchase, gift or loan.

(c) "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

Sec. 28.92 Purchasing, carrying or transporting pistol; license; issuance; qualifications; signatures; execution; contents; disposition of copies; inapplicability of section; transfer of inherited pistols. SEC. 2. (1) No person shall purchase, carry or transport a pistol without first having obtained a license therefor as prescribed herein, except that any person who brings a pistol into this state and who is either on leave from active duty with the armed forces of the United States or who has been discharged from such active duty shall obtain a license for the pistol within 5 days after his arrival into this state. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, may issue licenses to purchase, carry or transport pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person unless he is 18 years of age or over, a citizen of the United States and has resided in this state 6 months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or confined therefor in this state or elsewhere during the 8-year period immediately preceding the date of such application or has been adjudged insane in this state or elsewhere unless he has been restored to sanity and so declared by court order.

(2) Applications for such licenses shall be signed by the applicant under oath upon forms provided by the director of the department of state police, hereinafter referred to as the director. The forging of any matter on an application is a felony. Licenses to purchase, carry or transport pistols shall be executed in triplicate upon forms provided by the director and shall be signed by the licensing authority. Three copies of such license shall be delivered to the applicant by the licensing authority. Upon sale of the pistol the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his name in ink indicating that such pistol was sold to the licensee. The licensee shall also sign his name in ink indicating the purchase of such pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. The licensee shall return 2 copies of the license to the licensing authority within 10 days following the purchase of the pistol. One copy of such license shall be retained by the licensing authority as a permanent official record for a period of 6 years and the other copy shall be forwarded by the licensing authority within 48 hours to the director. Such license shall be void unless used within 10 days after the date of its issue. This section does not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. This section does not prevent the transfer of ownership of pistols which are inherited if the license to purchase is approved by the chief of police, sheriff, or their authorized deputies, and signed by the administrator or administratrix of the estate or by the next of kin having authority to dispose of such property.

(The pistol safety inspection requirement set forth in 28.97, which is not included herein, does not apply to wholesale or retail dealers in firearms . . .)

Sec. 28.98. Inapplicability of certain sections. SEC. 12. Sections 2 and 9 do not apply to a duly authorized police or correctional agency of the United States or of the state or any subdivision thereof, nor to the army, air force, navy or marine corps of the United States, nor to organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard, armed forces reserves or other duly authorized military organizations, or to members of the above agencies or organizations for weapons used for the purposes of or incidental to such agencies or organizations, nor to a person holding a license to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise by authorized agents of any person licensed to manufacture firearms.

* * * * *

Sec. 28.408(1). Explosive or incendiary devices; unlawful construction or possession; evidence. Sec. 211a. Any person who shall make, construct or have in his possession any device which is designed to explode or which will explode upon impact or with the application of heat or a flame, or which device is highly incendiary, with intent to use the device unlawfully against the person or property of another is guilty of a felony. For the purposes of prosecution under this section, possession of such a device is prima facie evidence of the possessor's intent to use the device unlawfully against the person or property of another.

* * * * * *

Sec. 28.419. Definitions. SEC. 222. "Pistol" as used in this chapter means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm. "Purchaser" means any person who receives a pistol from another by purchase, gift or loan. "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

Sec. 28.420 Selling pistols and firearms. SEC. 223. (1) Any person who sells a pistol without complying with section 2 of Act No. 372 of the Public Acts of 1927, as amended, being section 28.422 of the Compiled Laws of 1948, shall be guilty of a misdemeanor.

(2) Any person who sells a firearm more than 30 inches in length to a person under 18 years of age shall be guilty of a misdemeanor.

Sec. 28.421 Selling, etc., machine guns, silencers, * * * etc.; exceptions. Sec. 224. Any person who shall manufacture, sell, offer for sale or possess any machine gun or firearm which shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb, or bomb shell, * * * or any gas ejecting device, weapon, cartridge, container or contrivance designed or equipped for or capable of ejecting any gas which will either temporarily or permanently disable, incapacitate, injure or harm any person with whom it comes in contact, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years or by a fine of not more than $2,500.00.

The provisions of this section shall not apply to any person manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the government of the United States, or with any foreign government, state, municipality or any

subdivision thereof, or to any person duly licensed to manufacture, sell or possess any machine gun or gas ejecting device, weapon, cartridge, container or contrivance above mentioned.

Sec. 28.422. Possession, etc., of printed matter offering to sell or deliver pistols, etc., from without the state. Sec. 225. Any person who shall sell or deliver within this state, or offer or expose for sale, or have in possession for the purpose of sale, any book, pamphlet, circular, magazine, newspaper or other form of written or printed matter offering to sell or deliver, or containing an offer to sell or deliver to any person within this state from any place without this state any pistol or any weapon or device mentioned in the next preceding section of this chapter, shall be guilty of a misdemeanor. The provisions of this section shall not apply to sales of or offers to sell pistols at wholesale to persons regularly engaged in the business of selling such pistols wholesale or retail, nor to sales or offers to sell such pistols made or authorized by the United States government or any department or agency thereof.

Sec. 28.426. Pawnbrokers, second-hand dealers, junk dealers, accepting pistol, offering or displaying it for resale. SEC. 229. Any pawnbroker who shall accept a pistol in pawn, or any second-hand or junk dealer, as defined in Act No 350 of the Public Acts of 1917, who shall accept a pistol and offer or display the same for resale, shall be guilty of a misdemeanor.

Sec. 28.427. Alteration of pistols, penalty; possession presumptive evidence of alteration, exception. Sec. 230.* * * Possession of a firearm upon which the (manufacturer's) number shall have been altered, removed, or obliterated, other than an antique firearm as defined by section 231a(2)(a) or (b) shall be presumptive evidence that the possessor has altered, removed, or obliterated the same.

Sec. 28.429(1). Purchaser of pistol without license, false statement in application. SEC. 232a. Any person who shall purchase a pistol without having obtained a license to purchase as provided in section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

Any person who shall intentionally make a false statement in any application for a license to purchase a pistol, under section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

Sec. 28.434 Possession or use of fire-arm by person under influence of liquor or drug. SEC. 237. Any person under the influence of intoxicating liquor or any exhilarating or stupefying drug who shall carry, have in possession or under control, or use in any manner or discharge any fire-arm within this state, shall be guilty of a misdemeanor.

Albion

5.2-31. * * * No person in the City shall sell a revolver, pistol or other handgun without reporting that sale to the Albion Police Department and furnishing such information as the Police Department may require.

Allen Park

Sec. 8-137 Firearms; possession, transportation; restrictions. * * * * * (d) It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

* * * * *

Belding

12.11 Dangerous weapons. No person shall possess any machine gun, sawed-off shotgun, * * * or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Bloomfield Hills

6.01 It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place.

7.01. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Buchanan

11.4. Dangerous weapons. No person shall possess any machine gun, sawed off shot gun, * * * or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Center Line

8-108. Dangerous weapons; possession prohibited, exceptions. (a) No person shall within the city possess any machine gun, sawed off shotgun, revolver, pistol, gun or any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Dearborn Heights

9.215. Sale or Purchase. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Detroit

66-1-1. "Firearm" defined. The word "firearm," as used in this article, shall be construed to include any shot gun, rifle or other device of a similar character, except pistols.

66-1-2. Permit required to purchase pistols. No person shall purchase a pistol without first having obtained a permit to do so from the commissioner of police. No person or agent thereof shall sell or deliver a pistol to any person unless such person has obtained a permit therefor from the commissioner of police, which permit shall be given to the person making such sale or delivery and must be kept by him.

66-4-1. "Firearm" defined. For the purposes of this article, the word "firearm," except as otherwise specifically defined in this Code, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

66-4-4. Minors carrying firearms; sales to minors. It shall be unlawful for any person under eighteen years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen years of age.

Ecorse

Unregistered Fire-Arms—Sale or Purchase of Fire Arms. 3-4.2 Any person who shall own or possess any pistol, weapon or device without the same being registered as required by Section 9 of Act 272 of the Public Acts of the State of Michigan for the year 1927, as amended; and also any person who shall purchase or sell a pistol, weapon or device without license as required by Act 272 of the Public Acts of the State of Michigan for

1927, as amended, shall be guilty of a misdemeanor and shall be punished as provided in Article I, Chapter I of this Code.

Escanaba

130.11 Firearms * * * * * (D) Dangerous weapons. No person shall possess any machine gun, sawed off shot gun, * * * or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Fenton

7-116. Possessing dangerous weapons. (a) No person shall, within the city, possess any machine gun, sawed-off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or lessened or muffled, except as is otherwise permitted by law.

Flushing

7.209 Firearms and Weapons. .1 Definitions * * * * *

.1b "Firearm Silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon.

.1c "Gas Gun" means any gas ejecting device, weapon, cartridge, container or contrivance designed or equipped for ejecting any gas that will cause death, serious physical injury or physical injury, or will temporarily incapacitate.

* * * * *

.1e "Machine Gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

* * * * *

.3 Possession of Illegal Weapon. A person commits the crime of possession of illegal weapon if he knowingly possesses a * * * bomb, firearm silencer, gas gun, * * * machine gun, * * * unless licensed to do so.

.4 Prohibited Use of Weapons. A person commits the crime of prohibited use of weapons if: * * *

.4e He possesses or discharges a firearm while under the influence of intoxicating liquor or of a narcotic drug, dangerous drug or LSD; * * *

Gladstone

504.06 Possession of weapons. No child under the age of 18 years shall be allowed to have in his possession or control, or use, any * * * shotguns, rifles or other dangerous weapons within the City.

504.07 Sale to minors of weapons. No person shall sell, furnish, or give to or permit any child under the age of 18 years to have in his possession or use any * * * shotguns, rifles or other dangerous weapons within the City.

Gladwin

Ordinance 163

Section 9. Sales to Minors. It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm * * * to any person in the City of Gladwin who is under the age of eighteen years.

Grand Haven

8-209. Dangerous weapons, possession prohibited. No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Grand Rapids

9.180. Firearms Dealer's License. It shall be unlawful to establish, maintain, operate or conduct a business or attempt to conduct a business of selling, trading or offering to sell or trade, any firearms or ammunition for firearms unless there shall have been issued a license to do so in compliance with Chapter 91 of this Code. * * *

Grosse Pointe Farms

24. Firearms, sale to minors. It shall be unlawful for any person under eighteen (18) years of age to purchase any firearm. * * *

Grosse Pointe Shores

Ordinance 138

Paragraph 10—Sale to minors: It shall be unlawful for any person under the legal age of majority to purchase any firearm. * * *

Grosse Pointe Woods

8-3-29: Firearms, sale to minors: It shall be unlawful for any person under eighteen (18) years of age to purchase any firearm. * * *

Hamtramck

Section 47; Possession or control of firearms while intoxicated: It shall be unlawful for any person within the City of Hamtramck while under the influence of an intoxicating liquor, or any exhilarating or stupefying drug, to carry, have in possession or control, or use in any manner, or discharge any firearm.

Hartford

42.03. Weapons. * * * No person shall sell or transfer any such weapon (any concealed pistol) to any minor person.

Hazel Park

15. Dangerous weapons; possession prohibited. (a) No person shall possess any machine gun, sawed off shotgun * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Highland Park

378-3. It shall be unlawful for any person to purchase a revolver or pistol without having first obtained a permit to do so in accordance with the laws of the State of Michigan.

378-4. It shall be unlawful for any person to sell, give, furnish or deliver to any person or persons, any pistol, revolver or other small firearm, without first receiving from said person or persons a written permit in accordance with the laws of the State of Michigan. Such permits shall be preserved and filed in accordance with the laws of the State of Michigan.

Inkster

1. Any person found guilty of the following offenses in the Village of Inkster shall be deemed disorderly persons (*sic*) * * * (19) Any person who sells, gives, loans or furnishes another with a pistol or firearms less than 30 inches in length. * * *

Keego Harbor

4-4. Offenses Against Public Safety. No person in the city shall:

(1) **Weapons—(e) "Sales to Intoxicated Persons and Minors."** Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

Lake Orion

9. Sales to minors. It shall be unlawful for any person, firm or corporation to sell, offer to sale, give away or distribute any firearm, * * * to any person in the Village of Lake Orion who is under the age of twenty-one years.

Lapeer

19.09. Firearms. (d) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse, or caps, gunpowder, or any other explosive substance.

Lincoln Park

* * * * *

D. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Linden

Ordinance 86

Section I. Possessing Dangerous Weapons: (A) No person shall, within the Village, possess any machine gun, sawed-off shotgun, * * * nor any firearm to be silent or lessened or muffled, except as is otherwise permitted by law.

Livonia

Section 8-404. Prohibition to Carry Firearms or Dangerous Weapons. * * * It shall also be unlawful for any person to carry a machine gun or to have a silencer, bombs, * * * in his possession in the manner indicated in this ordinance.

* * * * *

Section 8-409. Possession or Control of Firearm While Intoxicated. It shall be unlawful for any person within the City of Livonia, while under the influence of an intoxicating liquor, or any exhilarating or stupefying drug, to carry, have in possession or control, use in any manner or discharge any firearm or longarm.

Lowell

Sec. 18-3. * * * (b) Sales to minors. No dealer shall sell or give away firearms to any minor.

Madison Heights

396(7). the word "firearm", except as otherwise specifically defined in this ordinance, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

8-111 Dangerous weapons; possession prohibited, exceptions. (a) No person shall possess any machine gun, sawed off shotgun * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Marshall

20.02 Firearms. * * * * * (b) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse or caps, gunpowder, or any other explosive substance.

(c) Any person selling, loaning or keeping firearms within the City of Marshall shall comply with all the laws of the State of Michigan governing the use, sale, registration, storage, carrying, keeping and any other provisions concerning firearms.

(d) The word firearm includes any instrument whereby any projectile is shot or discharged by means of powder, compressed air, springs, or other means.

Mason

Ordinance 52

* * * * *

Section 4. It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any slingshot, airgun or other weapon to any minor within the City of Mason who is under the age of sixteen years.

Milford Township

Section 32. Unlawful possession of firearms. It shall be unlawful for any person under the influence of intoxicating liquor or any exhilarating or stupefying drug to carry, have in possession or under control, or use in any manner or discharge any firearm within this state.

Montrose

Section 10.2. Furnishing Firearms to Minors. It shall be unlawful for any minor under the age of eighteen (18) years to possess any firearm, on the streets of the Village of Montrose unless such minor shall be accompanied by an adult over the age of twenty-one (21) years.

Mount Clemens

8-210. Dangerous weapons; possession prohibited, exceptions. (1) No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Mount Pleasant

Sec. 8-108 Dangerous weapons; possession prohibited, exceptions. —(a) No person shall within the city possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Oak Park

30.108. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years.

Orchard Lake

Section 3. Offenses Against Public Safety. No person in the City shall: * * *

(e) Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a person under the age of eighteen (18) years.

(f) Records Required. Engage in the sale, rental, or exchange of any weapons referred to in sub-sections (a) and (d) above without keeping a record of each such weapon purchased, sold, rented, or exchanged.

(1) Time of Recordation. The record required herein shall be made at the time of the transaction, in a book kept for that purpose, [contact local authorities for required contents] * * *

* * * * *

Pontiac

Sec. 16-110. Sale of dangerous weapons to minors and intoxicated persons. (a) No person shall knowingly sell, offer for sale, loan or furnish any rifle, firearm or other dangerous or deadly weapon to:

(1) Any minor under the age of eighteen (18) years;

(2) Any person under the influence of any alcoholic beverage, narcotic drug, stimulant or depressant;

(3) Any person in a condition of agitation and excitability; or to

(4) Any person the seller, lendor, or donor has reasonable cause to believe is not of sound mind.

Sec. 16-111. Order required to sell or deliver revolver. No person shall sell, deliver or furnish to any other person any revolver or pistol or handgun, unless such person shall first procure and exhibit an order therefor from the Chief of Police.

Port Huron

9.117. Weapons prohibited. It shall be unlawful for the parent or guardian of any minor child under the age of 18 years to wilfully permit such minor child under the age of 18 years to use or have in his or her possession any pistol, rifle, shotgun, * * * except and unless such minor child under the age of 18 years shall be, at the time of his or her use or possession of any gun or weapon herein described, under the direct supervision or control of his or her parent or guardian or some other adult person.

Redford

Sec. 2-156. Dangerous Weapons; Possession Prohibited, Exceptions. (a) No person shall possess any machine gun, sawed off shotgun, * * * or any instrument, attachment or applicant for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Riverview

Sec. 8-113. Dangerous weapons; possession prohibited, exceptions. (a) No person shall within the city possess any machine gun, sawed off shotgun, revolver, pistol, gun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law; * * *

Royal Oak Township

Ordinance 168

Sec. 4 Minors carrying firearms; sales to minors. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Saginaw

807. Failure to complete and return license to purchase pistol. 807.1 It shall be unlawful for the purchaser of any pistol to be or remain in possession thereof if the completed license to purchase the same shall not have been returned to the licensing authority within ten (10) days of the purchase of the pistol, as required by law.

St. Clair Shores

20-17. Dangerous weapons; possession prohibited, exceptions. No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Southfield

9.129 Dangerous weapons: possession prohibited, exceptions (1) No person shall within the City possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Sterling Heights

7. (1) No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Three Rivers

79-1. The City of Three Rivers ordains, That it shall not be lawful for any person directly or indirectly, himself or by his clerk, agent or employe, to sell, keep for sale, give away, furnish or use, within the limits of the City of Three Rivers, any * * * blank cartridge, toy pistol * * * or any cap or other device containing any explosive; Provided, however. That this provision shall not apply to the sale of gun powder or gun or revolver ammunition in the regular course of trade nor to the sale of dynamite that is to be used for a necessary purpose.

Trenton

9.171. Dangerous weapon. (1) No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Troy

9.79. Regulation, control of the possession and transportation of firearms within the city. (3) It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Warren

Sec. 8-210 Dangerous weapons. (1) No person shall possess any machine gun, sawed-off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of

any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, except as is otherwise permitted by law.

* * * * *

Waterford

* * * * *

Section V. Possessing or use of weapons while under influence. No person while under the influence of intoxicating liquor or exhilerating or stupefying drugs shall carry, have in his possession or under his control, or in any manner use or discharge any weapon.

* * * * *

Section IX. Sales to minors It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm, * * * or other like weapon to any person in the Township of Waterford who is under the age of twenty-one years.

Woodhaven

Article III

Sec. 11 1/2-14. Sale or Purchase. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Minnesota

State Law

Minn. Stat. Ann.

609.66 Dangerous weapons: Subdivision 1. Acts prohibited. Whoever does any of the following is guilty of a misdemeanor: ***** (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or (7) Without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or (8) In any municipality of this state, furnishes a minor under 18 years of age with a firearm airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or magistrate of such municipality.

Subdivision 2. Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

609.67 Machine guns and short-barreled shotguns: Subdivision 1. Definition. (a) "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.

(b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended to be fired from the shoulder and uses the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(c) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun if such weapon as modified has an overall length less than 26 inches.

Subd. 2. Acts prohibited. Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun or a short-barreled shotgun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $5,000, or both.

Subd. 3. Uses permitted. The following persons may own or possess a machine gun or a short-barreled shotgun provided the provisions of subdivision 4 are complied with:

(1) Law enforcement officers for use in the course of their duties;

(2) Wardens of penal institutions and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; and

(3) Persons possessing machine guns or short-barreled shotguns which, although designed as weapons, have been determined by the superintendent of the bureau of criminal apprehension or his delegate by reason of the date of manufacture, value, design or other characteristics to be primarily collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and are not likely to be used as weapons.

Subd. 4. Report required. A person owning or possessing a machine gun or short-barreled shotgun as authorized by subdivision 3 shall, within ten days after acquiring such ownership or possession, file a written report with the bureau of criminal apprehension, showing his name and address; his official title and position, if any; a description of the machine gun or short-barreled shotgun sufficient to enable identification thereof; the purpose for which it is owned or possessed; and such further information as the bureau may reasonably require.

Subd. 5. Exceptions. This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

624.71 Gun control, application of federal law. * Subd. 2.** Notwithstanding any other law to the contrary, it shall be lawful for a resident of Minnesota to purchase firearms and ammunition in a contiguous state in any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law 90-618).

624.712 Definitions. Subdivision 1. As used in sections 624.711 to 624.717, the terms defined in this section shall have the meanings given them.

Subd. 2. "Pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (a) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (b) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor.

"Pistol" does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used in the construction industry or children's pop guns or toys.

Subd. 3. "Antique firearm" means any firearm, including any pistol, with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899 and any replica of any firearm described herein if such replica is not designed or redesigned, made or remade, or intended to fire conventional rimfire or conventional centerfire ammunition, or uses conventional rimfire or conventional centerfire ammunition which is not readily available in the ordinary channels of commercial trade.

Subd. 4. "Saturday night special pistol" means a pistol other than an antique firearm or a pistol for which the propelling force is carbon dioxide, air or other vapor, or children's pop guns or toys, having a frame, barrel, cylinder, slide or breechblock:

(a) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or

(b) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or

(c) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

Subd. 5. "Crime of violence" includes murder in the first degree, murder in the second degree, murder in the third degree, manslaughter in the first degree, manslaughter in the second degree, aiding suicide, aiding attempted suicide, aggravated assault, use of drugs to injure or to facilitate crime, simple robbery, aggravated robbery, kidnapping, false imprisonment, aggravated rape, rape, aggravated sodomy, felonious theft, aggravated arson, riot, burglary, reckless use of a gun or dangerous weapon, intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, or operating a machine gun, and an attempt to commit any of these offenses, as each of those offenses is defined in Minnesota Statutes, Chapter 609.

Subd. 6. "Transfer" means a sale, gift, loan, assignment or other delivery to another, whether or not for consideration, of a pistol or the frame or receiver of a pistol.

624.713 Certain persons not to have pistols. Subdivision 1. The following persons shall not be entitled to possess a pistol:

(a) A person under the age of 18 years except that a person under 18 may carry or possess a pistol (i) in the actual presence or under the direct supervision of his parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol and approved by the commissioner of natural resources:

(b) A person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored his civil rights or the sentence has expired, whichever occurs first, and during that time he has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) A person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally deficient" or "dangerous to the public" person as those terms are defined in Minnesota Statutes, Section 253A.02, to a hospital, mental institution or sanitarium, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that he is no longer suffering from this disability;

(d) A person who has been convicted in Minnesota or elsewhere for the unlawful use, possession or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in Minnesota Statutes, Sections 152.01 and 152.02, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused a controlled substance or marijuana during the previous two years; or

(e) A person who has been confined or committed to a hospital, mental institution or sanitarium in Minnesota or elsewhere as an "inebriate person" as that term is defined in Minnesota Statutes, Section 253A.02, or for alcoholic problems, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused alcohol during the previous two years. A person who issues a certificate pursuant to this subdivision in good faith shall not be liable for damages in an action arising out of the issuance.

Subd. 2. A person named in subdivision 1, clause (b) of this section who possesses a pistol is guilty of a felony. A person named in any other clause of subdivision 1 of this section who possesses a pistol is guilty of a gross misdemeanor.

624.7131 Transferee permit

Subdivision I. Information. Any person may apply for a pistol transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which he resides or to the county sheriff if there is no such local chief of police:

(a) The name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) The sex, date of birth, height, weight and color of eyes of the proposed transferee;

(c) A statement by the proposed transferee that he is not prohibited by section 624.713 from possessing a pistol.

The statement shall be signed by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application.

Subd. 2. Investigation. The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system.

Subd. 3. Forms. Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit.

Subd. 4. Grounds for disqualification. A determination by the chief of police or sheriff that the applicant is prohibited by section 624.713 from possessing a pistol shall be the only basis for refusal to grant a transferee permit.

Subd. 5. Granting of permits. The chief of police or sheriff shall issue a transferee permit or deny the application within seven days of application for the permit. The chief of police or sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial. The permits and their renewal shall be granted free of charge.

Subd. 6. Permits valid statewide; renewal. Transferee permits issued pursuant to this section are valid statewide and shall expire after one year. A transferee permit may be renewed in the same manner and subject to the same provisions by which the original permit was obtained. Permits issued pursuant to this section are not transferable. A person who transfers a permit in violation of this subdivision is guilty of a misdemeanor.

Subd. 7. Permit voided. The transferee permit shall be void at the time that the holder becomes prohibited from possessing a pistol under section 624.713, in which event the holder shall return the permit within five days to the issuing authority. Failure of the holder to return the permit within the five days is a misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

Subd. 8. Hearing upon denial. Any person aggrieved by denial of a transferee permit may appeal the denial to the county court or county municipal court having jurisdiction over the county or municipality in which the denial occurred.

Subd. 9. Permit to carry. A valid permit to carry issued pursuant to section 624.714 constitutes a transferee permit for the purposes of this section and section 624.7132.

Subd. 10. Transfer report not required. A person who transfers a pistol to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

Subd. 11. Penalty. A person who makes a false statement in order to obtain a transferee permit knowing or having reason to know the statement is false is guilty of a gross misdemeanor.

Subd. 12. Local regulation. This section shall be construed to supersede municipal or

county regulation of the issuance of transferee permits.

624.7132 Report of transfer

Subdivision 1. Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the agreement is made or to the appropriate county sheriff if there is no such local chief of police:

(a) The name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) The sex, date of birth, height, weight and color of eyes of the proposed transferee;

(c) A statement by the proposed transferee that he is not prohibited by section 624.713 from possessing a pistol; and

(d) The address of the place of business of the transferor.

The report shall be signed by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

Subd. 2. Investigation. Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system.

Subd. 3. Notification. The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail his right of appeal under subdivision 13.

Subd. 4. Delivery. No person shall deliver a pistol to a proposed transferee until seven days after the date of the agreement to transfer as stated on the report delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven day waiting period.

No person shall deliver a pistol to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, the pistol may be delivered to the transferee.

Subd. 5. Grounds for disqualification. A determination by the chief of police or sheriff that the proposed transferee is prohibited by section 624.713 from possessing a pistol shall be the sole basis for a notification of disqualification under this section.

Subd. 6. Transferee permit. If a chief of police or sheriff determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.

Subd. 7. Immediate transfers. The chief of police or sheriff may waive all or a portion of the seven day waiting period for a transfer.

Subd. 8. Report not required. (1) If the proposed transferee presents a valid transferee permit issued under Laws 1977, c. 349, section 3, or a valid permit to carry issued under section 624.714, the transferor need not file a transfer report.

(2) If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol may be made under subdivision 4.

Subd. 9. Number of pistols. Any number of pistols may be the subject of a single transfer agreement and report to the chief of police or sheriff. Nothing in this section or section 624.7131 shall be construed to limit or restrict the number of pistols a person may acquire.

Subd. 10. Restriction on records. If, after a determination that he is not a person prohibited by section 624.713 from possessing a pistol, a transferee requests that no record be maintained of the fact that he is the transferee of a pistol, the chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

Subd. 11. Forms; cost. Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a pistol transfer.

Subd. 12. Exclusions. This section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

(a) A transfer by a person other than a federally licensed firearms dealer;

(b) A loan to a prospective transferee if the loan is intended for a period of no more than one day;

(c) The delivery of a pistol to a person for the purpose of repair, reconditioning or remodeling;

(d) A loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;

(e) A loan between persons at a firearms collectors exhibition;

(f) A loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(g) A loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(h) A loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol by reason of his employment and is the holder of a valid permit to carry a pistol.

Subd. 13. Appeal. A person aggrieved by the determination of a chief of police or sheriff that the person is prohibited by section 624.713 from possessing a pistol may appeal the determination as provided in this subdivision. In Hennepin and Ramsey counties the municipal court shall have jurisdiction of proceedings under this subdivision. In the remaining counties of the state, the county court shall have jurisdiction of proceedings under this subdivision.

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a pistol by section 624.713.

Subd. 14. Transfer to unknown party. (a) No person shall transfer a pistol to another who is not personally known to the transferor unless the proposed transferee presents evidence of his identity to the transferor. A person who transfers a pistol in violation of this clause is guilty of a misdemeanor.

(b) No person who is not personally known to the transferor shall become a transferee of a pistol unless he presents evidence of his identity to the transferor. A person who becomes a transferee of a pistol in violation of this clause is guilty of a misdemeanor.

Subd. 15. Penalties. A person who does any of the following is guilty of a gross misdemeanor:

(a) Transfers a pistol in violation of subdivisions 1 to 13 of this section;

(b) Transfers a pistol to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(c) Knowingly becomes a transferee in violation of subdivisions 1 to 13 of this section; or

(d) Makes a false statement in order to become a transferee of a pistol knowing or having reason to know the statement is false.

Subd. 16. Local regulation. This section shall be construed to supersede municipal or county regulation of the transfer of pistols except more restrictive regulation in cities of the first class.

624.714. Carrying of weapons without permit; * * * * * (Concerns permits to carry: for information concerning applying for permits to carry, required contents of such applications, place of application, conditions under which applications will be granted, etc., contact your local law enforcement agency.)

624.715 Exemptions; antiques and ornaments. Sections 624.713 and 624.714 shall not apply to antique firearms which are carried or possessed as curiosities or for their historical significance or value.

624.716 Saturday night specials prohibited. Any federally licensed firearms dealer who sells a Saturday Night Special Pistol, or any person who manufactures or assembles a Saturday Night Special Pistol in whole or in part, shall be guilty of a gross misdemeanor.

624.717 Local regulation. Sections 624.711 to 624.716 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols and the regulation of Saturday Night Special Pistols except more restrictive regulation in cities of the first class.

624.718. Notwithstanding any other law to the contrary, cities of the first class may enforce local laws, ordinances or regulations governing the transfer of pistols that are more restrictive than state laws governing the transfer of pistols.

Alexandria

9.20. Dangerous weapons and articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

Appleton

6.06. Weapons, sale to minors. No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer of this village.

6.07. Minors not to use firearms. No minor under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by his parent or guardian any firearm, * * * of any kind for hunting or target practice, or any other purpose. No parent or guardian shall knowingly permit any minor to violate this section.

Apple Valley

128-IV. Hand gun purchases: The purchaser of a hand gun from a Federally licensed dealer in the Village of Apple Valley must wait for three (3) days before delivery of said hand gun. The Federally licensed dealer will inform the Village of Apple Valley Police Office of the purchaser's name and address so as to enable the determination of any of the below listed prohibiting conditions. The Police Department of the Village of Apple Valley will notify the above dealer of the results within the three (3) day limit for delivery of said gun or refund of any moneys deposited should the sale be prohibited. Prohibiting conditions:

A. Under the age of eighteen (18) years.

B. Has been convicted of a felony or any crime of violence under the laws of this state or any other jurisdiction.

C. Has been convicted of any offense involving the applicant's use of intoxicating beverages, hallucinatory chemicals, narcotics or any other drugs.

D. Has been hospitalized for attempted suicide or mental or emotional conditions involving the use of alcohol, hallucinatory chemicals or drugs.

Arden Hills

Section 1. Definitions. Deadly Weapons. The term "deadly weapons" as used herein shall include the following: (1) all firearms; * * * * *

Section 4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

Section 5. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon. * * * * *

Blaine

89.01—Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

101.01—The term "deadly weapons" as used herein shall include the following: (1) All Firearms; * * * * *

101.02—(1) Whoever does any of the following is guilty of a misdemeanor: * * * * * (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; * * * * *

101.03—The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Bloomfield

Ordinance 188

Section 6.01. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place.

Section 7.01. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Bloomington

203.01. Restriction. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police office or magistrate shall be guilty of a misdemeanor.

Brooklyn Center

19-402. Dangerous weapons. 1. "Dangerous weapon" means any firearm * * * whether loaded or unloaded * * *.

2. Section 609.66 of the Minnesota Criminal Code (West 1963) Laws of 1963, Chapter 753

is hereby adopted by reference and shall have the same force and effect as though set out at length herein.

Brooklyn Park

Section 950:00. Definition. Definition—Deadly Weapons. The term "deadly weapons" as used herein shall include the following: 1) All firearms; * * * * *

Section 950:15. Minors. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Section 950:20. Under 14 Years. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Buhl

510:02. Deadly Weapons. It shall be unlawful in the Village of Buhl for any person, persons, firm or corporation to manufacture, or cause to be manufactured, sell, keep for sale, offer or dispose of any * * * pistol, revolver, * * * or to give or sell any pistol or fire-arm to a person under the age of eighteen years, without the written consent of a magistrate or the mayor of the said village or the chief of police or marshal of said village.

Cold Spring

Section 925:00. Definition of Deadly Weapons. The term "deadly weapons" as used herein shall include the following: 1) All firearms; * * *

Section 925:15. Minors. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Coon Rapids

7-201 Definition. "Dangerous Weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. The term "dangerous weapon" shall include but not be limited to the following: (1) All firearms; * * * * *

7-202 Prohibited Actions. (1) Whoever does any of the following is guilty of a misdemeanor: * * * * * (f) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; * * * * *

(2) Nothing in this Section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

7-203 Selling Gun to Minor Without Parental Consent. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor without written consent of his parents or guardian, or of a Police Officer or Magistrate is hereby prohibited.

7-204 Minors Under 14. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any dangerous weapon.

Cottage Grove

Sec. 27-13. Furnishing to minors. No person, within the limits of the village, shall: (a) Without the parent's or guardian's consent, furnish a child under fourteen years of age, or as a parent or guardian, permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive.

(b) Furnish a minor under eighteen years of age with a firearm, airgun, ammunition or explosive without the written consent of his parent, guardian, the police department or magistrate of this village.

Sec. 27-14. Silencers. No person, within the limits of the village, shall sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

Crystal

935.01. Definitions. Subdivision 1. For purposes of this Section, the terms defined herein have the meanings given them.

Subd. 2. "Military type weapon" means any firearms such as bazookas, machine guns, mortars, grenades, molotov cocktails and similar weapons. * * *

935.03. Military Type Weapons. It is unlawful for any person to own, keep, carry or have possession of military type weapons in the City. This Section does not apply to law enforcement personnel or military personnel while on active duty, or to military or fraternal organizations in their participation in public functions or celebrations.

Deephaven

8. Minors not to use fire arms. No minor under the age of 18 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent, guardian or competent supervision, any fire arms, * * * ammunition or other weapons of any kind for hunting or target practice or any other purpose.

27. Sale of firearms to minor. No person, firm or corporation shall sell, offer for sale, or give away, or in anywise furnish any firearms or ammunition to a minor under the age of 18 years, without the written consent of such minor's parents or guardian or of a peace officer or magistrate.

Dilworth

Sec. 60.07. Subd. 1. Acts Prohibited. Whoever does any of the following is guilty of a misdemeanor * * *:

(4) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or

(5) Without the parents' or guardians' consent, and the written consent of the Dilworth Police Department, furnishes a child under 15 years of age with a firearm or other dangerous weapon or explosive, or any ammunition or explosive.

Duluth

* * * * *

Sec. 49-6. Possession, use, etc., of firearm silencers prohibited. No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

* * * * *

Sec. 49-8. Possession of firearms by minors. No minor under the age of eighteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose.

* * * * *

Sec. 49-15. License—Required. No person shall engage in the business of selling or renting guns, pistols or other firearms without first having obtained a license to do so.

* * * * *

Sec. 49-20. Sales and rentals to minors. No person shall sell, rent, give, loan or in anywise furnish any firearm, * * * or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a police officer or magistrate of the city.

* * * * *

Eagan

9.02 Subdivision 3.—Persons prohibited. It shall be unlawful for any person within the Town of Eagan to own, possess, carry or have

in his custody or control any firearms or ammunition unless such person:

A. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate or if under 18 years of age is accompanied by his parent or guardian or by an adult who has written permission from the minor's parent or guardian.

B. Shall not within the previous five years have been: 1. Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction, or a violation of this Ordinance or any other law relating to weapons. 2. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

C. It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol or hallucinatory chemical, or narcotics, or other drugs.

East Grand Forks

Sec. 9.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Elko

Ordinance 24

Section I. Definitions. * * * * *

Handgun shall mean a gun designed to be fired primarily with one hand and capable of inflicting serious personal injury, without limitation as to type of propellant or type of projectiles, and regardless of whether the handgun or pistol was factory made, made individually by a skilled craftsman or craftsmen, or homemade.

* * * * *

Section II. Prohibitions: The following acts are prohibited * * * (c) Possessing a handgun if the person possessing it is a person who has been formally adjudicated as mentally ill, mentally incompetent, or insane, or who has been convicted of a felony within a period of ten years prior to the time he is found in possession of a handgun; * * *

Ely

410:02. Deadly weapons. [No person] without the written consent of a magistrate, shall sell or give any pistol or firearm to a person under the age of eighteen years.

Fairmont

6.20. Dangerous weapons and articles. 1. Acts prohibited. It is unlawful for any person to: * * * F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; * * *

(G) Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Farmington

6-1-15. Dangerous weapons: It shall be unlawful for any person to do any of the following: * * * (G) Sell or have in his possession any device designed to silence or muffle the discharge of a firearm;

(H) Without the parent's or guardian's consent, furnish a child under fourteen (14) years of age, or as a parent or guardian permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; (I) Furnish a minor under eighteen (18) years of age with a firearm, * * * ammunition or explosive without the written consent of his parent or guardian or of the Police Department of the Village.

Farmington Hills

80.265. Unlawful Possession of Firearms. It shall be unlawful for any person under the influence of intoxicating liquor or any exhilarating or stupefying substance to carry, have in possession or under control, or use in any manner or discharge any firearm within this City.

Glencoe

Ordinance 93, Article B.

Weapons—sale to minors. No person shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of sixteen (16) years without the written consent of his parents or guardian, or of a police officer or magistrate of the municipality.

Glenville

Sec. 606. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Without the parent's or guardian's consent, furnish a child under 14 years of age, or as a parent or guardian permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or,

H. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department or magistrate of the Village.

Golden Valley

Section 525:00. Definitions. 1. General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

2. Specific Terms. The following terms shall have the following meanings.

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet through a barrel by means of explosives, carbon dioxide, air or other vapor, excluding (1) any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition, (2) any antique firearm or (3) Saturday Night Special Pistol.

(c) "Hand Gun" shall mean any firearm designed to be fired from the hand, except Saturday Night Special Pistols.

(d) "Saturday Night Special Pistol" shall mean a gun designed to be fired from the hand, other than an antique firearm or a gun for which the propelling force is carbon dioxide, air or other vapor, or children's pop gun or toys having a frame, barrel, cylinder, slide or breechblock:

(1) of any material having a melting point (liquids) of less than 1,000 degrees Fahrenheit, or

(2) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or

(3) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

(e) "Antique Firearm" shall mean any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899 and any replica of any firearm described herein if such replica is not designed or redesigned, made or remade, or intended to fire conventional rimfire or conventional centerfire ammunition which is not readily available in the ordinary channels of commercial trade.

(f) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

Section 525:02. Sales, Gift or Delivery of Firearms. It shall be unlawful for any person within the City of Golden Valley to sell, give or deliver any firearm to any person if such other person within the previous five years has been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction, or

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental drug or alcoholic condition, unless such a person so committed shall have been issued a permit, currently in force, pursuant to Section 624.711 through 624.717, inclusive, Minnesota Statutes, and as subsequently amended, provided said seller, giver or deliverer knew or had reasonable cause to believe such person met the conditions described in either subsection (a) or (b).

Section 525:03. Display of Firearms. It shall be unlawful for any person within the City to display or exhibit any firearm for sale in any show window abutting a public street or sidewalk or public entryway which can be seen from the public street.

Section 525:04. Report of Sale, Gift or Delivery of Hand Guns. Every person within the corporate limits of the City of Golden Valley who agrees to sell, deliver or give to any person a hand gun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the Public Safety Director a legible written report [contact local authorities for required contents] * * *.

* * * * *

No person who intends to sell, deliver or give to any person a hand gun as defined in this ordinance shall deliver actual possession to the person to receive the hand gun until a copy of the report required by this section, containing the certification of the Golden Valley Public Safety Director, or his designee, that said sale, delivery or gift may be made, is returned to the person who intends to sell, deliver or give away said hand gun, or until three days (excluding Saturday, Sunday and holidays) after making and filing with the Public Safety Director the required report of sale, whichever comes first.

None of the provisions of this Section 525:04 shall apply to gifts of hand guns between husband and wife, or parent and child, but all other gifts of hand guns must comply with the requirements hereof.

Granite Falls

6.06. Weapons, sale to minors. No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to any minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of this city.

Green Isle

Ordinance 67

Section 4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

Greenwood

Ordinance 16

Section 12. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

Hampton

1004.02. Prohibitions. The following are prohibited within the city:

* * * * *

C. Minors. The selling, giving, loaning, or furnishing in any way of any deadly weapon (includes all firearms) to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Hastings

Sec. 9.20. Dangerous weapons and articles. Subd. 1. Acts prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department. * * * * *

Hayfield

Ordinance 7-1-Section 1: Use by Minors. No person under the age of 18 shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parents or guardian, any firearm or air gun of any kind for hunting or target practice or any other purpose.

Hermantown

Ordinance 76-02

* * * * *

Section 3. No person shall use, own or possess any firearm equipped so that a silencer may be attached to such firearm.

* * * * *

Section 5. No minor age fourteen (14) years or under shall handle, or have in his or her possession or under his or her control except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose. Any minor having attained the age of 15 shall be the holder of a valid firearm safety permit.

* * * * *

Hibbing

Firearms, sale and possession. 7-14.1. It shall be unlawful in the Village of Hibbing for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a * * * pistol, revolver, * * * or to give or sell any pistol or fire-arm to a person under age of eighteen (18) years, without the written consent of a magistrate or the president of the said village or the chief of police or marshal of said village * * *.

Hopkins

Section 910:25. Minors Not to Use Firearms. No minor under the age of fourteen years shall * * * have in his possession * * * any firearm of any kind for hunting or target practice or any other purpose. * * * * *

Section 920:12. Sale of Firearms to Minors. Every person who shall sell, give away, or in any wise furnish any firearms or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate, shall be guilty of a penal offense.

Hoyt Lakes

2. Use of fire arms by minors. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under immediate charge of his parent or guardian, any fire arm * * * of any kind for hunting or target practice or for any other purpose. Every person violating the foregoing provision or aiding or knowingly permitting any such minor to violate the same shall be guilty of a misdemeanor.

International Falls

12.08-1. No person within the limits of the City of International Falls shall manufacture or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument, or weapon of the kind usually known as a * * * pistol * * * or other offensive and dangerous weapons or instruments, or without the written consent of the Mayor, shall sell or give any revolver or fire arm of any description to a person under the age of eighteen years.

Inver Grove

927.13 Handgun Identification Marks. No person shall * * * keep in his possession or under his control, any such handgun upon which the name of the make, model, manufacturer's number, or other mark of identification has been to his knowledge, changed, altered, renewed or obliterated.

Jackson

Sec. 8.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

La Crescent

B. Specific Terms. The following terms shall have the following meanings:

1. "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and plural includes the singular. The masculine gender includes the feminine gender.

2. "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

3. "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

4. "Hand gun" shall mean any firearm designed to be fired from the hand.

5. "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in definitions (3) and (4) above. Destructive devices which are not firearms and ammunitions for any military type weapon which is inert and not readily restorable, both mechanically, and by intent, shall be exempted from the provisions of this ordinance.

* * * * *

7. "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

* * * * *

9. "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

Section 2. Persons Prohibited: A. It shall be unlawful for any person within the corporate limits of the Village of La Crescent, to own, possess, carry, or have in his custody or control any firearm, or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

a. Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction; or a violation of this ordinance or any other law relating to weapons.

b. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcoholic condition.

B. It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of any alcoholic beverage, or hallucinatory chemical, or narcotics, or other drugs.

Section 3. Places Prohibited. A. It shall be unlawful for any person, except law enforcement or military personnel while in the course of their duties, or owner or agent while he is present at a business place operated by him, or private persons with permits who are required by their occupation to be present, to have in his possession or control any firearm or ammunition while such person is present at any public place or public gathering within the Village of La Crescent.

Section 4. Weapons Prohibited: A. It shall be unlawful for any person within the Village of La Crescent to own, keep, carry or have in his custody or control any of the following:

1. Military type * * * weapons unless the person in possession of such weapon has in his possession the permit provided in Section 6.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to believe has been stolen or transferred in violation of this ordinance.

Section 5. Sales, Gift or Delivery of Weapons and Ammunition. A. It shall be unlawful for any person within the Village of La Crescent to sell, give or deliver to any person:

1. Any weapon prohibited under Section 4 unless the weapon to be received is a military type weapon * * * and the person to receive the weapon has secured the permit provided in Section 6.

2. Any firearm or ammunition for such firearm if such person is:

a. Under the age of 18 years if the firearm is a long gun or under 21 years of age if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 3 (D) or unless the recipient shall qualify under Section 2 (A-1).

b. Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

c. Prohibited from ownership, possession, custody or control of firearms under section 2, and seller or giver knew or had reasonable cause to believe such person was prohibited.

Section 6. Permit for Military Type and Assault Weapons: A. The owner or purchaser of a military type or assault weapon may be issued a permit by the Chief of Police for possession either as a collector's item or as

a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance * * *.

* * * * *

B. A "Military type weapon used in officially recognized competition" shall include its ammunition and shall be weapons used in competition regulated and supervised by a target shooting club, pistol club or sportsman's club, which is duly authorized to purchase or receive firearms from the United States. Any such weapon shall be kept in a secure location.

Lake Elmo

1301.050. License Required. No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver, * * *.

Lakeville

Section 1. Weapons Prohibited. No person shall * * * sell, offer for sale or have in his possession, except in his own domicile, or carry or use any dangerous or deadly weapon, including, but not by way of limitation, revolvers, pistols * * * * *

Section 2. Exception. The prohibition of this chapter shall not be construed to forbid any law enforcement officer from carrying any of said weapons as may be necessary in the proper discharge of his duties, nor shall this chapter prohibit the sale, possession or carrying of a revolver or pistol for legitimate sporting purposes providing such revolver or pistol is not concealed.

Lauderdale

2. Specific terms. The following terms shall have the following meanings. (a) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(b) "Handgun" shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(c) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

* * * * *

(e) "Ammunition" shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

(f) "Secured container" shall mean a locked case legibly marked "firearms" having no mechanical features designed for immediate weapons removal or use and containing no other nonrelated objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle, or ties.

2. Persons prohibited from possessing firearms. (1) No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the Village of Lauderdale except when he is accompanied by his parent or legal guardian, while participating under adult supervision as a member of a registered target shooting or sportsmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

(2) No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the Village of Lauderdale who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

4. Weapons prohibited. No person shall own, keep, carry, or have in his possession anywhere in the Village of Lauderdale any military type weapons, * * *, or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collectors' items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

6. License required to sell firearms. No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Lauderdale without first obtaining a license to do so from the Village Council. The fee for such license shall be $10.00, payable annually * * *.

7. Permits and registrations.

* * * * *

(2) Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type of assault weapon as a collectors' item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. [Contact local authorities for required contents] * * *. The Chief shall issue such permit, without fee, if he concludes the applicant is of good moral character and intends to use the weapon for a lawful purpose.

Lester Prairie

Section 3. Weapons—Sale to Minors. No person shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of the municipality.

Little Falls

Section 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Luverne

6.20. Dangerous weapons and articles. Subd. 1. Acts prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

Mahtomedi

4. No minor under the age of 18 years shall within the Village of Mahtomedi, handle or have in his possession or under his control,

except when accompanied by or under the immediate charge of his parent or guardian, any fire-arm of any kind whatever, or ammunition of any kind for use therein, * * *

Mankato

Sec. 9.30. **Dangerous Weapons and Articles. Subd. 1. Acts Prohibited.** It is unlawful for any person to: * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen (18) years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parents or guardian or of the Police Department. * * *

Maple Grove

Section 960:15. Selling to Minor. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate, is hereby prohibited.

Maplewood

1210.010 Permit. No person shall purchase, receive or accept a revolver or pistol within the Village of Maplewood without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

1210.020. Sale without permit prohibited. No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of Maplewood to any person who is not the holder of a written permit from the Police Chief of Maplewood, authorizing him to purchase, receive or accept such revolver or pistol, and in no case shall any person, firm or corporation deliver a pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

1210.040 Transfer of permit. Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement [contact local authorities for required contents] * * *. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement * * *. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

1210.050. Terms. The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

Mendota Heights

Ordinance 909

Section 5. Possession of Weapons by Minors. No minor under the age of eighteen years shall, within the corporate limits of the Village of Mendota Heights, handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein, * * *

Section 6. Sale to Minors. No person, firm, or corporation shall, within the corporate limits of the Village of Mendota Heights, give, sell, or otherwise furnish any firearms * * * or any ammunition of any kind for use therein, to any minor under age of eighteen years, without the written consent of the parent or guardian of the said minor. * * *

Section 9. Definitions

9.1 General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

9.2 Specific Terms. The following terms shall have the following meanings:

9.2(1) Firearm—Shall mean any weapon from which is propelled any missle, projectile, bullet, or other means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their profession.

9.2(2) Handgun—Shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

9.2(3) Military Type Weapon—Shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

* * * * *

9.2(5) Ammunition—Shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

9.2(6) Secured Container—Shall mean a locked case legibly marked "firearm" having no mechanical features designed for immediate weapons removal or use and containing no other non-related objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle or ties.

Section 12. Sale, Gift, or Delivery of Firearms

12.1. No person shall purchase, receive or accept a handgun within the Village of Mendota Heights without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun. * * *

12.2. Before the delivery of a handgun purchased or to be transferred, the purchaser or person to whom such handgun is to be delivered shall surrender his permit and shall sign in duplicate and deliver to the seller or transferer a statement [contact local authorities for required contents] * * *. The seller or person intending to transfer such handgun shall immediately deliver to the Chief of Police one copy of such statement, and if it appears that the person to whom such weapon is sold or to be transferred has been permitted to purchase, accept or receive such handgun, the Chief of Police shall endorse upon such statement his approval of the purchase or transfer.

12.4. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in Paragraph 12.2 hereinabove.

12.5. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

12.6. Nothing contained in this section shall apply to sales at wholesale to dealers.

Section 13. License Required to Sell Firearms. 13.1 No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Mendota Heights without first obtaining a license to do so from the Village Council. * * *

Section 14. Permits and Registrations. Permits and registrations required hereunder shall be accomplished in the following manner:

14.1. Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type * * * weapon as a collector's item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. * * *

Minneapolis

877.010. Definitions.

2. Specific terms. The following terms shall have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

(c) "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

(d) "Hand gun" shall mean any firearm designed to be fired from the hand.

(e) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in definitions (c) and (d) above. Destructive devices which are not firearms and ammunition for any military type weapon which is inert and not readily restorable, both mechanically and by intent, shall be exempted from the provisions of this ordinance.

* * * * *

(g) "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

(j) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

877.020. **Persons prohibited.** It shall be unlawful for any person within the corporate limits of the City of Minneapolis to own, possess, carry, or have in his custody or control any firearms or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction; or a violation of this ordinance or any other law relating to weapons.

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcholic condition.

It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol, or hallucinatory chemical, or narcotics, or other drugs.

877.040. **Weapons prohibited.** It shall be unlawful for any person within the City of Minneapolis to own, keep, carry or have in his custody or control any of the following:

1. Military type * * * weapons, unless the person in possession of such weapon has in his possession the permit provided in Section 877.080.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to believe has been stolen or transferred in violation of this ordinance.

The provisions of this section shall not apply to law enforcement or military personnel while engaged in the course of their duties.

877.050. **Sales, gift or delivery of weapons and ammunition.** It shall be unlawful for any person within the City of Minneapolis to sell, give, or deliver to any person:

1. Any weapon prohibited under Section 877.040, unless the weapon to be received is a military type weapon * * * and the person to receive the weapon has secured the permit provided in Section 877.080.

2. Any firearm or ammunition for such firearm if such person is:

(a) Under the age of 18 years if the firearm is a long gun or under the age of 21 years if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 877.030(4) or unless the recipient shall qualify under Section 877.020(1).

(b) Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

(c) Prohibited from ownership, possession, custody, or control of firearms under Section 877.020, and seller or giver knew or had reasonable cause to believe such person was prohibited.

877.070. **Report of sale, gift, or delivery of handguns.** Every person within the corporate limits of the City of Minneapolis who agrees to sell, deliver or give to any person a handgun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the City Clerk a legible written report, * * *.

The City Clerk shall provide the reporting forms on which such reports shall be made, and shall make such forms freely available to licensed gun dealers. Persons not licensed dealers may secure such reporting forms from the City Clerk or any licensed gun dealer.

No person who intends to sell, deliver or give to any person a handgun as defined in this ordinance shall deliver actual possession to the person to receive the handgun until three (3) days excluding Saturday, Sunday, and holidays, after making and filing with the City Clerk the required Report of Sale.

877.080. **Permit for military type and assault weapons.** The owner or purchaser of a military type * * * weapon may be issued a permit by the City Clerk for possession either as a collector's item or as a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance.

Minnetonka

Section 515:00. Prohibited Use of Dangerous Weapons. No person shall in any public or private place engage in any of the following acts or conduct without first securing a permit to do so from the Chief of Police:

* * * * *

(d) Sell or otherwise furnish any firearms * * * any ammunition of any kind for use therein, to any juvenile under the age of 18 years unless they are the parent or guardian of such juvenile.

Minnetrista

1. Definitions. (a) "Firearms" shall mean any device from which is propelled any projectile or bullet by means of explosions or gas.

(b) "Military type weapon" shall mean any firearm or other weapon such as bazookas, machine guns, mortars or grenades.

2. Possession. No person shall own, keep, carry or have possession of any military type weapon within the Village of Minnetrista except persons on active duty as a member of a United States military unit.

Montevideo

5-1-32: Firearms; minors; No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian any firearm of any kind for hunting or target practice or any other purpose. No parent or guardian shall knowingly permit any minor to violate this Section.

5-1-71: Weapons; sale to minors: No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen (18) years without the written consent of his parents or guardian, or of a police officer or magistrate of the City.

Morris

11.200. Possession of dangerous weapons. No person shall have in his possession any of the following except for displays in museums or collections: (1) Any device designed to silence or muffle the discharge of a firearm;

* * * * *

11.205. Sale of Firearms to Minors Prohibited. No person shall furnish a minor, under 18 years of age, with a firearm of any description or ammunition or explosive without the written consent of the minor's parent or guardian.

* * * * *

Mound

51.30 Minors—Firearms No person, or persons, shall hereafter within the Village of Mound, sell, give, loan or in anywise furnish any firearm * * * (or) ammunition * * * to a minor under the age of 18 years without the written consent of his parents or guardian or of a police or magistrate of the Village * * *.

Mountain Iron

Ordinance 149

51.09 Furnishing to Minors. No person within the City Limits of the City of Mountain Iron shall: a. Furnish a minor under 18 years of age with any firearms, air gun, ammunition or explosives without the written consent of said minor's parent or legal guardian, or the Chief of Police.

* * * * *

51.10 Silencers. No person within the City Limits of the City of Mountain Iron, Minnesota, shall sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

New Brighton

Article 2 Weapons

Sec. 18-18. Possession of firearm. No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the city, who has been convicted of any felony, or who is addicted to the use of drugs, or who is under the influence of drugs or alcohol.

North Mankato

Sec. 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

* * * * *

H. Furnish a minor under eighteen (18) years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

North St. Paul

101.010. Permit. No person shall purchase, receive or accept a revolver or pistol within the Village of North St. Paul without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

101.020. Sale without permit prohibited. No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of North St. Paul to any person who is not the holder of a written permit from the Police Chief of North St. Paul, authorizing him to purchase, receive or accept such revolver or pistol * * *.

101.040. Transfer of permit. Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement (contact local authorities for required contents) * * *. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement * * *. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

101.050. Terms. The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

101.060. Wholesale to dealers does not apply. Nothing contained herein shall apply to the sales at wholesale to dealers.

Oakdale

Sec. 13-17. Possession of certain items prohibited. No person shall possess any of the following:

(a) Fully automatic firearms.

(b) Shot guns with a barrel less than eighteen (18) inches.

(c) Rifles with a barrel less than sixteen (16) inches.

(d) Weapons made from a rifle or shot gun with an overall length of less than twenty-six (26) inches.

(e) Semi-automatic pistols with shoulder stocks.

(f) Any silencer.

(g) Any unconventional weapon which is capable of being fired and can be concealed on the person.

Sec. 13-22. Silencers. It shall be unlawful for any person to sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

Orono

Ordinance 106

Section 1. Chapter 80 of the Municipal Code of Orono is hereby amended as follows: **80.010 Definitions.** * * * * * (b) "Military type weapon" shall mean any firearm or other weapon such as bazookas, machine guns, mortars or grenades.

80.020 Possession. No person shall own, keep, carry or have possession of any military type weapon within the Village of Orono except persons on active duty as a member of a United States military unit.

Pine Springs

Ordinance 9

Section 3. Possession by Minor. It shall be unlawful for a minor under the age of 18 to have in his possession any uncased firearm beyond the presence of a parent or guardian within the Village of Pine Springs. The police officers of the Village may confiscate any such weapon found on any minor but shall return the weapon to the parent or guardian of said minor upon request.

Section 4. Acts Prohibited. a. It shall be unlawful for any person to do any of the following acts: * * * * *

6. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

7. To furnish a child under 16 years of age, without the consent of the parent or guardian of said child or if parent or guardian of said child permit such child to handle or use outside of the parent's or guardian's presence a rifle, gun, or dangerous weapon of any kind or any ammunition or explosive.

Section 6. Possession. a. No person shall possess the following:

1. Fully automatic firearms.

2. Shot guns with a barrel less than 18 inches.

3. Rifles with a barrel less than 16 inches.

4. Weapons made from a rifle or shot gun with an overall length of less than 26 inches.

5. Semi-automatic pistols with shoulder stocks.

6. Any silencer.

7. Any unconventional weapon which is capable of being fired and can be concealed on the person.

Plymouth

1.14. Dangerous Articles. * * * * * (b) It shall be unlawful to sell, give, loan, or in anywise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate.

Redwood Falls

Sec. 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

* * * * *

H. Furnish a minor under eighteen (18) years of age with a firearm, * * * ammunition; or explosive without the written consent of his parent or guardian or of the Police Department.

Richfield

5.29. Firearms. Subdivision 1. Definitions. The following terms have the meanings ascribed to them in this section:

(1) "Crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

(2) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

(4) "Manufacturer or dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans within the city.

(5) "Pistol" means any firearm with a barrel less than 12 inches in length.

(6) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof by the use of force, violence, military measures or threats of one or more of the foregoing.

Subd. 2. License Required. It is unlawful for any manufacturer or dealer to sell at wholesale or retail, to lease or to pledge or accept as security for a loan, any firearm without first having procured a license.

* * * * *

Subd. 9. Unlawful Disposition of Firearms. It is unlawful for any dealer to sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, is a fugitive from justice, is of unsound mind, is a drug addict or a habitual drunkard, or who is a member of a subversive organization.

Rochester

1. Dangerous weapons. No person shall: * * * (5) possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against some other person; or (6) sell or have in his possession any device designed to silence or muffle the discharge of any firearm; or (7) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm * * * or any ammunition or explosive; or (8) furnish to any minor under 18 years of age any firearm, * * * ammunition or explosive without the written consent of the parent or guardian, or of the police department.

Rockford

Ordinance 11.0

Dangerous Weapons. Subdivision 1. Acts prohibited. Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $100.00. * * * * * (6). Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or * * * * * (8). In the municipality of Rockford, furnishes a minor under 18 years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the police department or magistrate of said municipality.

Roseville

160.090. Sale to Minors under 18. No person shall give, sell or otherwise furnish any firearms, * * * or any ammunition of any kind for use therein, to any minor under the age of 18 years without the written consent of the parent or guardian of said minor. * * *

161.010. Registration Required. No person shall purchase, sell, trade, own or have in his possession any revolver or hand gun without registering the same with the Chief of Police.

Sauk Rapids

Dangerous Weapons

Section 900:00. Whoever does any of the following within the limits of this municipality is guilty of a misdemeanor:

* * * * *

F. Sells or has in his possession any device designed to silence or muffle the discharge of a firearm;

G. Without the parents or guardians consent, furnishes a child under fourteen (14) years of age, * * * a firearm or air gun of any kind, or any ammunition or explosive;

* * * * *

St. Louis Park

4:700. Minors not to have firearms * * *. No minor under the age of eighteen years shall handle, or have in his possession, or under his control, except while accompanied by, or under the immediate charge of, his parent or guardian, any firearm of any kind whether for hunting or target practice or any other purpose * * *. No person shall knowingly permit any such minor to violate this section.

4:701. Firearms for minors. No person shall sell, give away, or in any wise furnish any firearms or ammunition * * * to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate.

St. Paul

425.01—Definitions. A. General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

B. Specific Terms. The following terms shall have the following meanings.

(1) Firearm. Shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(2) **Handgun.** Shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(3) **Military Type Weapon.** Shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

* * * * *

(5) **Ammunition.** Shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

* * * * *

425.02—Persons Prohibited from Possessing Firearms. A. No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the City of Saint Paul except when he is accompanied by his parent or legal guardian, while participating under adult supervision as a member of a registered target shooting or sportsmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

B. No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the City of Saint Paul who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

425.04—Weapons Prohibited. No person shall own, keep, carry, or have in his possession anywhere in the City of Saint Paul any military type weapons, * * * or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collector's items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

425.06—Sale, Gift, or Delivery of Firearms. A. No person shall purchase, receive or accept a handgun within the City of Saint Paul without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun. * * *

B. Before the delivery of a handgun purchased or to be transferred, the purchaser or person to whom such handgun is to be delivered shall surrender his permit and shall sign in duplicate and deliver to the seller or transferer a statement [contact local authorities for required contents] * * *. The seller or person intending to transfer such handgun shall immediately deliver to the Chief of Police one copy of such statement * * *.

C. No licensed dealer shall sell, lend, give, or deliver any rifle or shotgun to any person without making and retaining a permanent record of the information required in (B) with respect to handguns. * * *

D. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in (B). * * *

E. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

F. Nothing contained in this section shall apply to sales at wholesale to dealers.

425.07—License Required to Sell Firearms. No person shall engage in the business of selling or dealing in firearms or ammunition in Saint Paul without first obtaining a license to do so from the City Council. * * *

425.08—Permits and Registrations. Permits and registrations required hereunder shall be accomplished in the following manner: * * * * *

B. Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type * * * weapon as a collectors' item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. * * * * *

St. Paul Park

22.07 Regulation and Licensing of Firearms. d. No minor under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by or under the immediate charge of his parent or guardian, any firearm or air gun of any kind and use for hunting, target practice or any other purpose.

St. Peter

Sec 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Shakopee

V. Silencers prohibited. No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

VII. Possession of firearms by minors. No minor under the age of 14 years shall handle or have in his or her possession or under his or her control except while accompanied by and under the immediate charge of a parent or legal guardian, any firearm of any kind for hunting or target practice or any other purpose.

Shoreview

908.010. Definitions. Weapon means any gun, pistol, revolver, * * * firearm or any similar device for the propulsion of shot or other metal pellet by whatever means, and any other dangerous or deadly weapon or instrument. Person means any person, firm, partnership or corporation.

909.020. Unlawful Acts. Except as otherwise provided herein, it shall be unlawful for any person: (A) To handle or to have in his possession or under his control for sale or otherwise any such weapon within the Village of Shoreview. * * *

909.040. Exceptions. The prohibitions of this Ordinance shall not apply to: (A) Police Officers. Duly authorized police officers of the Village when in the course and scope of their duties, nor to any officer of any Court whose duty shall be to serve warrants or to make arrests, nor to persons whose business or occupations may require the carrying of weapons for protection and who shall have obtained from the Village Council or some other appropriate governmental agency, a license or permit to handle or have in his or her possession or control any weapon.

(B) Encased Weapons. Persons in possession of any weapon that is properly encased and/or is being stored or transported for hunting purposes and not for sale purposes. * * *

(D) Sale Not in Regular Course of Business. Persons in possession or control of any weapon for the purpose of the sale of the weapon as long as the sale is not in the regular course of said persons' business.

(E) Licensed Persons. Persons licensed hereunder.

909.050. License Required. No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver. * * *

909.056. Conditions of License. Every license shall be granted subject to the following conditions and all other provisions of this and any other Chapter of the Shoreview Municipal Code or other ordinance or State law. * * * (B) No weapon of any sort shall be sold or furnished to any person under twenty-one (21) years of age.

Shorewood

Ordinance 5

Section 12. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

South St. Paul

808.01. Firearms purchase restricted. No person shall purchase, receive or accept a revolver, pistol, and other firearm having a barrel of 10 inches or less in length, without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such a firearm.

808.02 Firearms sale restricted. No person shall sell, deliver, or otherwise transfer a pistol, revolver, or other firearm having a barrel of 10 inches or less in length, within the City to any person who is not the holder of a written permit from the Chief of Police authorizing him to purchase, receive or accept such firearm.

808.03. Firearm permit required. Applications for permits to purchase, receive and accept any revolver, pistol, or other firearm having a barrel of 10 inches or less in length, shall be made to the Chief of Police upon blanks to be provided therefor [contact local authorities for required contents]. * * *

808.06. Firearm identification marks. No person shall change, alter or obliterate the name of the make, model, manufacturer's number or other mark of identification, and no person shall keep in his possession or under his control any such firearm upon which the name of the make, model, manufacturer's number, or other mark of identification has been to his knowledge changed, altered, renewed or obliterated.

Two Harbors

(e) Sales to intoxicated persons and minors. No person within the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Vadnais Heights

Section 9. Dangerous Weapons: Any person who commits any of the following acts shall be guilty of a misdemeanor under this ordinance:

* * * * *

(f) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm within the limits of this Village; or

* * * * *

(h) Furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of such minor's parent or guardian or of the police department within the limits of this Village;

* * * * *

Virginia

3. Dangerous weapons. It shall be unlawful for any person, persons, firm or corporation * * * to sell or give any pistol or firearm to a person under the age of eighteen years, without written permit of the Mayor of the City of Virginia; * * *.

8. Use of arms by minors. No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any fire arm of any kind for hunting or target practice, or any other purpose and it shall be unlawful for any person or persons to aid or knowingly permit any such minor to have such fire arms in his possession while unaccompanied by or under the immediate charge of his parent or guardian.

Wabasha

2. It shall be unlawful for any person under the age of fourteen years to handle or have in his possession or under his control, within the City of Wabasha, any firearm of any kind, except while accompanied by, or under the immediate charge of his parent or guardian.

Waseca

6.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

West St. Paul

52.02 Deadly Weapons. * * * * * **(f) Purchase of Revolvers.** No person shall purchase, receive, or accept a revolver or pistol within the city without first providing the seller or transferor with his full and true name, address and date of birth in writing on a form approved by the Chief of Police.

(g) Sale of Revolvers. No person shall sell, deliver, offer for sale, or otherwise transfer a pistol or revolver within the city to any person until the purchaser or recipient of such firearm shall in the presence of the seller or transferor, write his name, address the date of birth, on the form as provided in paragraph (f). * * *

White Bear Lake

1303.050. Dangerous weapons. No minor under the age of 18 years shall handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein * * *.

No person shall give, sell, or otherwise furnish any firearms * * * or any ammunition of any kind for use therein, to any minor under age of 18 years, without the written consent of the parent or guardian of the minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable times by all members of the police department, the Sheriff or his deputies, or the judge of any court of record in the State.

Wolf Lake

Ordinance 2

Section 11. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18

years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

Woodbury

1203.02 Definitions. The following terms shall have the following meanings:

A. "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association, or corporation as applied to partnerships or associations. The word includes the partners or members thereof as applied to groups. It includes the officers, agent or employees thereof who are responsible for the act referred to.

B. "Firearm" shall mean any weapon from which is propelled any missile, projectile, or bullet by means of explosives, gas, compressed air, or mechanical spring and shall include air and BB guns.

C. "Long Gun" shall mean any rifle, shot gun, or similar gun not designed to be fired from the hand.

* * * * *

1203.03 Persons Prohibited. It shall be unlawful for any person within the corporate limits of the Village of Woodbury to own, possess, carry, or have in his custody or control any firearms or ammunition except as provided below:

* * * * *

B. Shall be at least 16 years of age or shall hold a firearm safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate, except while accompanied by or under any charge of his parent or guardian.

C. Shall not within the previous 5 years have been convicted of a felony or drug addiction under the laws of this state or of any other jurisdiction or a violation of this ordinance or any other law relating to weapons.

D. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

It shall be unlawful for any person to be in possession of, carry, or transport any firearm or ammunition while under the influence of alcohol or hallucinatory chemical or narcotics or other drugs.

Wyoming

402.04 No minor under the age of 14 years shall handle nor have in his possession under his control except while accompanied or under the immediate charge of his parent or guardian, any fire arm or air gun of any kind for any purpose.

Mississippi

State Law

Miss. Code

Sec. 45-9-1. Weapons to be registered; exceptions.

(1) Every person in this state who now owns or has in his possession, or who shall hereafter acquire any *** machine guns, sub-machine guns, and/or similar firearms *** shall be required to register such weapon in the manner and within the time hereinafter specified; provided, however, that the provisions of sections 45-9-1 to 45-9-17 shall not apply to any person, firm or corporation regularly engaged in the sale of such weapons in the usual course of business from an established and permanent place of business, except as herein provided; and provided, further, that the provisions of sections 45-9-1 to 45-9-17 shall not apply to any firearms manufactured prior to January 1, 1900, nor to any firearm manufactured since that date which is not capable of being discharged and which has been procured and has been kept by the owner thereof as a relic or historical specimen, nor to any firearms furnished to the organized militia of this state, or the armed forces of the United States for their use.

(2) Sections 45-9-1 to 45-9-17 shall not apply to collectors of firearms whose collection is registered with the National Rifle Association or other licensed national collectors firearms associations.

(For information concerning registration of weapons, contact the sheriff's office of the county in which you reside; if you have no fixed address, contact the sheriff's office in the county in which the weapon will be principally located)

* * * * *

Sec. 45-9-15. Transient nonresidents exempt. The provisions of sections 45-9-1 to 45-9-17 shall not apply to a transient nonresident of this state bringing a weapon with him in the course of travel into or through this state, where such weapon does not remain herein for more than thirty (30) days.

Sec. 45-9-17. Transfer of firearms. It will be necessary to register firearms under sections 45-9-1 to 45-9-17 only one time as long as said firearm remains in the possession of the person registering same, provided that when the registered firearm shall be sold or given away by the person registering same, then the person acquiring possession of such firearm shall register same as herein provided.

Sec. 45-9-19. Purchase of rifles and shotguns in contiguous states. It is declared that it is in the public interest to authorize residents of this state to purchase or otherwise obtain rifles and shotguns in states contiguous to this state in compliance with such other laws of this state or its political subdivisions as may be applicable and in compliance with Section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 USC 921 et seq.

As used in this section, the term "a state contiguous to this state" shall mean any state with a border touching a border of this state. As used in this section, all other terms shall be given the meaning prescribed in 18 USC 921 (the Gun Control Act of 1968, Public Law 90-618) and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereinafter modified.

It shall be lawful for a person residing in this state (including a corporation or other business entity maintaining a place of business in this state) to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state and to receive or transport such rifle or shotgun into this state.

This section shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

Sec. 97-37-1. Deadly weapons—carrying deadly weapon and use of imitation firearm prohibited—penalties. Any person who carries, concealed in whole or in part, any *** pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use against another person any imitation firearm, shall upon conviction be punished as [prescribed by law] ***.

* * * * *

Sec. 97-37-5. Deadly weapons—possession by convicted felon as evidence of crime. The possession of any deadly weapon as described in section 97-37-1 by any person who has been convicted of a felony under the laws of this state, any other state, or of the United States, shall be prima facie evidence of a violation of that section.

* * * * *

Sec. 97-37-13. Deadly weapons—weapons and cartridges not to be given to minor or intoxicated person. It shall not be lawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and on conviction thereof, ***.

Sec. 97-37-15. **Deadly weapons—father not to suffer minor son to have or carry.** Any father who shall knowingly suffer or permit any son under the age of sixteen years to have or to own, or to carry concealed, in whole or in part, any weapon the carrying of which concealed is prohibited, shall be guilty of a misdemeanor. * * *

Sec. 97-37-17. **Deadly weapons—possession by students.** A student of any college, university, or school, who shall carry, bring, receive, own, or have on the campus, college or school grounds, or within two miles thereof, any weapon the carrying of which concealed is prohibited, or a teacher, instructor, or professor who shall knowingly suffer or permit any such weapon to be carried or so brought, received, owned, or had by a student or pupil, shall be guilty of a misdemeanor, * * *.

* * * * *

97-37-31. **Silencers on firearms—manufacture, sale, possession or use unlawful.** It shall be unlawful for any person, persons, corporation, or manufacturing establishment, within this state, to make or manufacture for sale in the State of Mississippi, any instrument or device which, if used on firearms of any kind, will arrest or muffle or tend to lessen the report of said firearm when shot or fired. It shall be unlawful to sell, offer for sale or to give away, in this state any such instrument or device, and it shall be unlawful for any person to own, use or have in his possession, any such instrument or device. * * *

Sardis

* * * * *

Section 2. Any person who shall sell any such deadly weapon (includes pistol) to a minor shall be guilty of a misdemeanor.

Vicksburg

14-93. **Dispensing to minor or intoxicated person.** It shall be unlawful for any person to sell, give, or lend to any minor, or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge.

Winona

Ordinance 38

Sec. I. That it shall be unlawful for any person to sell, or give to any intoxicated person, or minor, any * * * pistol, or pistol cartridge. * * *

Yazoo City

Sec. 15-145. Certain sales prohibited. It shall be unlawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon or other weapon the carrying of which concealed is prohibited, or pistol cartridge;
* * *

Missouri

State Law

Ann. Mo. Stat. (Vernon's)

Purchase of Shotguns and Rifles

407.500. Missouri residents may purchase rifles and shotguns in contiguous states, when: Residents of the state of Missouri may purchase rifles and shotguns in a state contiguous to the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the contiguous state in which the purchase is made.

564.590. Machine gun, possession a felony—exceptions. It shall be unlawful for any person to sell, deliver, transport, or have in actual possession or control any machine gun, or assist in, or cause the same to be done. Any person who violates this section shall be guilty of a felony and punished by imprisonment in the state penitentiary not less than two nor more than thirty years, or by a fine not to exceed five thousand dollars, or by both such fine and imprisonment; provided, that nothing in this section shall prohibit the sale, delivery, or transportation to police departments or members thereof, sheriffs, city marshals or the military or naval forces of this state or of the United States, or the possession and transportation of such machine guns, for official use by the above named officers and military and naval forces in the discharge of their duties.

564.600. Machine gun—defined. The term "machine gun" as used in section 564.590 shall be construed to apply to and include all firearms known as machine rifles, machine guns or sub-machine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

564.610. * * *—sale of weapons to minors. If any person shall * * *have any such weapon [any kind of firearms] in his possession when intoxicated, or, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding two years, or by fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than fifty days nor more than one year, or by both such fine and imprisonment; * * *.

564.620. Pistol, revolver or firearms to be plainly marked. No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other weapon of the same model made by the same maker, and the maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keep a full and complete record of the description of the weapon, the name and address of the person from whom purchased and to whom sold, the date of the purchase or sale, and in the case of retailers the date of the permit and the name of the sheriff granting the same, which record shall be open to inspection at all times by any police officer or other peace officer of this state.

564.630. Concealed weapon permits, how obtained—antique firearms exempted. 1. No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purposes of commerce, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving the weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering the weapon, within

thirty days after the issuance thereof, a permit authorizing the person to acquire the weapon.

2. The permit shall be issued by the sheriff of the county in which the applicant for a permit resides in this state, if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the date, the name and address of the person to whom granted and of the person from whom the weapon is to be acquired, the nature of the transaction, and a full description of the weapon, and shall be countersigned by the person to whom granted in the presence of the sheriff. The sheriff shall receive therefor a fee of fifty cents which shall be remitted to the county treasurer for deposit in the general revenue fund of the county.

3. If the permit be used, the person receiving the same shall return it to the sheriff within thirty days after its expiration, with a notation thereon showing the date and manner of the disposition of the weapon. The sheriff shall keep a record of all applications for the permits and his action thereon, and shall preserve all returned permits.

4. No person shall in any manner transfer, alter or change the permit or make a false notation thereon or obtain the same upon any false representation to the sheriff granting the same, or use or attempt to use a permit granted to another.

5. No permit shall be required for an antique firearm or replica thereof. The term **"antique firearm"** means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

564.640. Weapons must be stamped. No person within this state shall lease, buy or in any wise procure the possession from any person, firm or corporation within or without the state, of any pistol, revolver or other firearm of a size which may be concealed upon the person, that is not stamped as required by section 564.620; and no person shall buy or otherwise acquire the possession of any such article unless he shall have first procured a written permit so to do from the sheriff of the county in which such person resides, in the manner as provided in section 564.630.

564.650. Manufacture not prohibited Nothing contained in sections 564.620 to 564.660 shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this state, to ship into other states or foreign countries, any such articles whether stamped or not so stamped.

Albany

Chapter 13
Article 4

Section 14—Sale of firearms, etc., to children prohibited. Any person within the City who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Ava

75.160. Prohibited weapons. A person commits an offense if he knowingly possesses, manufactures, transports, repairs or sells: 1. an explosive weapon; 2. a machine gun; 3. a gas gun (i.e., a gas ejective device); 4. a short barreled rifle or shotgun; 5. a firearm silencer.

Belton

Sec. 15-118. Sale to certain persons prohibited. No person engaged in business shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Boonville

49.08. Sale of weapons to minors. No person shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, * * *.

Branson

52. Permits required—a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition * * *.

Breckenridge Hills

Section 3. * * * [no person shall] sell any pistol, revolver or other fire-arm with barrel less than 12 inches in length, within the Village of Breckenridge Hills, unless the person purchasing same shall have authorization to purchase such weapon issued by the Chief of Police of the Village * * *.

Bridgeton

Sec. 16-60. [Weapons] Sale of firearms or cartridges to minor. No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor; or, without such consent, sell to any minor under the age of sixteen (16) years any cartridge or shell of fixed ammunition which part is detonated by any type of primer.

Cainsville

Ordinance 120A

Article 4

Section 16—Sale of Firearms, etc., to children prohibited. Any person with[in] the City who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Canton

75.180 Prohibited weapons. A person commits an offense if he knowingly possesses, manufactures, transports, repairs or sells: 1. any explosive weapon; 2. a machine gun; * * * 4. a short barreled rifle or shotgun; 5. a firearm silencer

* * * * *

Cape Girardeau

18-100. Sale of weapons to minors; restrictions. No person shall sell to any child under the age of sixteen years without the written consent of the parents or guardian of

such child any cartridge or fixed ammunition of which fulminate is a component part, or any gun, rifle, pistol, revolver, * * *.

Carl Junction

74.800. Weapons. * * * 5. "Sale, etc., to minor of firearm, * * * etc." It shall be unlawful within the city for any person to sell, loan or furnish, to any minor any gun, pistol or other firearm or any toy gun, toy pistol or other toy firearm in which any explosive substance can be used, * * *.

Caruthersville

51.10 Sale of Ammunition to Minors. No person shall give, lend, barter, or sell to any minor under the age of 18 years, without the written consent of the guardian or parent of such minor, any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle, pistol or revolver * * *.

Charleston

12-59. Selling ammunition to minors. Any person within the limits of this city, who shall give, lend, barter, or sell to any minor under the age of eighteen (18) years, without the written consent of the guardian or parents of such minor any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle or revolver, * * * shall be deemed guilty of a misdemeanor.

Clayton

Sec. 17-31. [Weapons]—Sale of firearms or ammunition to minor. No person shall sell to any minor any firearm of any kind without the consent of the parent or guardian of such minor, * * *.

Columbia

7.1500. Weapons—Carrying concealed; delivering to minors. If any person shall, within the city, carry concealed upon or about his person any deadly or dangerous weapon, or * * * shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the city prison not less than five days nor more than six months, or by both such fine and imprisonment.

Crestwood

53.09. Sale of firearms or ammunition to minors. No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor, or, without such consent sell to any minor under the age of sixteen years any cartridge or shell or fixed ammunition of which fulminate is a component part.

El Dorado Springs

Section 250.030: Sale of Firearms to Minors. If any person shall directly sell or deliver, loan or barter to any minor any kind of firearms, * * * or other deadly weapon, without the consent of the parent or guardian of such minor, within the City, he shall be deemed guilty of a misdemeanor.

Excelsior Springs

Sec. 24-86. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms, * * * without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Flat River

79. Sale to minors. Any person within the corporate limits of this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Fulton

Section Twenty-Six; Sale of Pistols, Knives and Cartridges to Children Prohibited: Any person, within this City, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver * * * shall be deemed guilty of a misdemeanor.

Glasgow

75.160. Prohibited weapons. A person commits an offense if he knowingly possesses, manufactures, transports, repairs or sells: 1. An explosive weapon; 2. A machine gun; 3. A gas gun (i.e., a gas ejective device); 4. A short barreled rifle or shotgun; 5. A firearm silencer.

Grant City

Section 16—Sale of Firearms, etc., to Children Prohibited: Any person within the city who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

* * * * *

Grantwood Village

Section 304.01: Sale, Discharge and Use of Prohibited. It shall be unlawful for any person, firm or corporation to, within the Village, sell, offer for sale, expose for sale, use, discharge or explode any shells or cartridges, blank or otherwise, pistols, toy or otherwise, cannon, toy or otherwise, * * *.

Hanley Hills

Ordinance 54

Article 5. Sale of Firearms or Ammunition to Minors Prohibited. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Hilldale

Section 230.128 Sale of Firearms or Ammunition to Minors. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any

minor under the age of sixteen (16) years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Holden

562-6—Sale of Firearms to Minors. If any person shall directly or indirectly sell, deliver, loan or barter to any minor, any kind of firearms, * * * or other deadly weapon, without the consent of the parent or guardian of such minor, he shall upon conviction be punished by a fine of not less than ten nor more than two hundred dollars, or by imprisonment in the city jail not less than five days nor more than six months or by both such fine and imprisonment.

Iberia

17-56. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms * * * or other deadly weapon, without the consent of the parent or guardian of such minor, within the city, he shall be deemd guilty of a misdemeanor.

Independence

12.150. Weapons. E. Sales to intoxicated persons and minors. No pawnbroker, secondhand dealer, or other person engaged in business shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Ironton

Ordinance 272

If any person shall * * *, directly or indirectly, sell or deliver, loan or barter, to any minor, he shall, upon conviction, be punished by imprisonment * * *.

No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other weapon of the same model made by the same maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keeps a full and complete record [contact local authorities for required contents] * * *, which record shall be open to inspection at all times by the Mayor of this City, any police officer, or other peace officer of this state.

No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this City, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving the weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering the weapon, within thirty days after the issuance thereof, a permit authorizing the person to acquire the weapon.

The permit shall be issued by the Sheriff of Iron County. If the Sheriff is satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the date, the name and address of the person to whom granted and of the person from whom the weapon is to be acquired, the nature of the transaction, and a full description of the weapon, and shall be countersigned by the person to whom granted in the presence of the Sheriff.

* * * * *

Jefferson City

3. Explosives, firearms and weapons. 3.1 No person shall, in this City, * * * having upon or about his person any kind of firearms, * * * directly or indirectly sell, deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; * * *.

1268. Sale of pistols, * * * and cartridges to children, prohibited. Any person, within this city, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Jennings

Sec. 24-95. Carrying, exhibiting dangerous weapons generally; selling to minors. (If a person shall) * * * directly or indirectly sell or deliver, loan or barter to any minor any such weapon (any kind of firearms) without the consent of the parent or guardian of such minor, he shall upon conviction be punished as provided in section 1-9 of this Code. * * *

Joplin

38.132. Weapons—Sale, etc., to minor of firearm, * * * etc. It shall be unlawful within the city for any person to sell, loan or furnish, to any minor any gun, pistol or other firearm or any toy gun, toy pistol or other toy firearm in which any explosive substance can be used, * * *.

Kansas City

26.181. Sale of firearms to minors. No person shall, directly or indirectly, sell or deliver, loan or barter to any person under eighteen (18) years of age, without the consent of the parent or guardian of such minor, any kind of firearm, gun, revolver, pistol, starter pistol or starter pistol with automatic ejector or firearm of any description, * * * casing or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

26.186. Machine guns.

(a) Possession prohibited. Every person who, within the city, possesses any firearm of the kind commonly known as a machine gun, as hereinafter defined, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment at the municipal farm not to exceed one year, or by a fine not to exceed five hundred dollars ($500.00) or by both such fine and imprisonment.

(b) Applicability to police. Nothing in this section shall prohibit the police department, and the members thereof, sheriffs or the members of the military or naval forces or this state or of the United States from possessing such firearms for official use in the discharge of their duties. * * * * *

(d) Definition. The term "machine gun", as used in this section, shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

26.188. Explosive or flammable devices. It shall be unlawful for any person to make, use, or possess on his person, or under his control, any explosive device, including a molotov cocktail, containing flammable, combustible or explosive material or substance which can be used as a fire bomb either by

igniting the fuse or breaking the device; provided however, any person who can show that he is engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control, is hereby exempt from the operation of this section.

Kearney

Ordinance 30

Section 1. Any person who shall, within the corporate limits of the City of Kearney * * * directly or indirectly sell or deliver, loan or barter to any minor, any such weapon, [any kind of firearms] without the consent of the parent or guardian of such minor, shall, upon conviction, be fined * * *.

* * * * *

Kirksville

46. Carrying deadly weapons, etc. If any person within the city of Kirksville * * * having upon or about his person any kind of fire arms, * * * shall, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine not to exceed one hundred dollars or by imprisonment not to exceed three months.

Lathrop

Ordinance 32

Section 1. Any person who shall within the corporate limits of the city of Lathrop, * * * directly or indirectly, sell or deliver, loan or barter to any minor any such weapon (firearms), without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the city prison not less than five nor more than thirty days, or by both such fine and imprisonment.

Leasburg

Section 1. No fireworks, firearms and ammunition of any kind shall be sold, * * * within the boundaries of the Village of Leasburg, Missouri.

* * * * *

Section III. Ammunition may be sold for hunting purpose only.

Maplewood

305.19 Weapons, Etc. * * * B. No person shall sell to a minor under the age of sixteen (16) years, without the consent of that child's guardian or parents, any ammunition, firearms, or any deadly weapon. * * *

Marceline

9. No person * * * having upon or about his person, any kind of firearms * * * directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor.

Marlborough

Ordinance 106

Section 1. It shall be unlawful for any person to sell, discharge, fire or shoot any fireworks, shotgun, rifle, revolver, pistol, spring-gun, air-gun or other firearms, weapons, instruments or contrivances of any kind whatsoever using lead, slug, bullets, powder, shots or either of them, whether discharged or shot by means of powder, bullet, caps or spring, or other motive power, or any ammunition for the aforesaid firearms, within the Village of Marlborough, St. Louis County, Missouri.

Marshall

20-29. Weapons—Carriage, display. It shall be unlawful for any person * * * having upon or about his person, * * * any kind of firearms, * * * directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; * * *.

Maryville

Ordinance 2399

Section 16. Sale of Firearms, etc., to Children Prohibited. Any person within the City who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Matthews

Ordinance 4

Sec. 20. Carrying Concealed Weapons. If any person within the town limits of this town shall * * * directly or indirectly, sell or deliver, loan barter, to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine * * *.

Mexico

44.4. Weapons transactions with incompetent persons, etc., prohibited. No person in this city shall purchase or borrow from or sell, loan or furnish to any person who is (a) under the influence of alcohol or any narcotic drug, stimulant or depressant; or (b) in a condition of agitation or excitability; or (c) legally incompetent or a minor under the age of eighteen years any weapon in which any explosive substance can be used.

Monett

Ordinance 773

Section 86. Firearms; Minors. It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, or other fire arm, or any toy gun, toy pistol or other toy firearm, in which any explosive substance can be used, within the city. Any person violating this section shall be deemed guilty of a misdemeanor.

Monroe City

4.3. Sale of Pistols, * * *, and Cartridges to children prohibited. Any person within this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Nevada

Sec. 23-28. No person in the city shall sell, give, furnish or procure or deliver any revolver, pistol, shotgun, rifle or other firearm capable of propelling a metal object or projectile by means of an explosive substance

to any minor under the age of eighteen years without the written consent of the parent, guardian or other person having control of the minor.

Sec. 23-80. No person in the city shall sell, loan or furnish a weapon described in section 23-78 [pistol, revolver] or other weapon in which an explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation or excitability.

Pacific

Sec. 22-75. Sale of firearms, etc., to minors. If any person shall directly or indirectly sell or deliver, loan or barter to any minor any kind of firearm, * * * without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of an offense.

Poplar Bluff

22-70. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearm * * * without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Richmond

13-66. Dangerous and concealed weapons; prohibitions concerning. If any person shall carry, concealed upon or about his person, any deadly or dangerous weapon, * * * any kind of firearm, * * *, or shall directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor, shall be guilty of a misdemeanor.

Rolla

33-3. Same—Sale to minors prohibited; exception. No person shall directly or indirectly sell, deliver, loan or barter to any minor any weapon of the type described in section 33-2 [any pistol, revolver] without the written consent, or in the presence of, the parent or guardian of such minor.

33-4. Same—Exception for certain officers, etc. Section * * * 33-3 shall not apply to officers of the United States, state, county, or police officers, nor to soldiers of the United States.

St. George

Section 215.090: Carrying Concealed Weapons. No person within the confines of the City of St. George, Missouri, shall * * * have in his possession when intoxicated, or directly or indirectly sell, deliver, barter, loan or otherwise give to any minor person without the consent of the parent or guardian of such minor, any dangerous or deadly weapon of any kind or description, which shall include, but not be limited to any kind of fire-arm of the type or size that can be concealed upon the body of a person, * * *

St. Joseph

Sec. 16-161. Machine guns.

(a) Possession. It shall be unlawful for any person within the city, to possess any firearm of the kind commonly known as a machine gun, as hereinafter defined.

(b) Scope of section. Nothing in this section shall prohibit the police department, and the members thereof, sheriffs or the members of the military or naval forces of this state or of the United States from possessing such firearms for official use in the discharge of their duties.

* * * * *

(d) Definition. The term "machine gun" as used in this section shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously loaded ammunition of any caliber, in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

St. Louis

754.030. Sale of certain weapons to minors prohibited. No person shall sell or deliver, loan or barter, either directly or indirectly, to any minor under the age of 21 years, any kind of firearms, * * * or tear gas gun, vapor gas gun, or any other similar weapon, without the consent of the parent or guardian of such minor.

756.010. Definition. As used in this Chapter, the term "minor" shall mean anyone under the age of 21 years.

St. Louis County

712.020 Definitions. The term "Firearm" as is used in this Chapter means any rifle, shotgun, weapon or similar mechanism by whatever name known, which is designed to expel a projectile or projectiles through a gunbarrel, tube, pipe, cylinder or similar device by the action of any explosive. The term "Firearm" shall not apply to devices used exclusively for commercial, industrial or vocational purposes.

712.030 Scope. The provisions of this code shall apply to that area of St. Louis County outside the incorporated cities, towns, and villages.

712.040 Specific Actions, Prohibited. 1. It shall be unlawful for any person to sell, give, lend or otherwise transfer any firearm to any person sixteen (16) years of age or younger, except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person, and the person sixteen (16) years of age or younger, or in the case of a gift or loan, where such gift or loan is made with the consent of the parent or guardian of such person sixteen (16) years of age or younger

St. Louis Park

Ordinance 1284

Section 4:260. Dangerous Weapons. Whoever does any of the following is guilty of a misdemeanor: * * * * *

(7) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or * * * * *

(9) Furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or of a magistrate.

Salem

75.180. Prohibited weapons. A person commits an offense if he knowingly possesses, manufacturers, transports, repairs or sells: 1. an explosive weapon; 2. a machine gun * * *; 4. a short barreled rifle or shotgun; 5. a firearm silencer * * *.

Shrewsbury

5. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Sikeston

9-206. Dangerous or deadly weapons. (a) No person shall, directly or indirectly, sell, loan, barter, deliver or give to any minor any

dangerous or deadly weapon without the written consent of such minor's parent or guardian.

Slater

Sec. 14-97. Possession of deadly weapon when intoxicated prohibited. It shall be unlawful for any person to possess, when intoxicated, any kind of firearm, * * * or other similar deadly weapon.

Sec. 14-98. Giving of firearms, etc. to minors prohibited; exception. It shall be unlawful for any person directly or indirectly, to sell or deliver, loan or barter to any minor any kind of firearm, * * * or other similar deadly weapon, without the consent of the parent or guardian of such minor.

Springfield

26-10. * * * Sale of weapons to minors. No person shall * * * sell or deliver, loan or barter to any minor any * * * weapon without the consent of the parent or guardian of such minor.

Stanberry

Chapter 14, Article 4, Section 16—Sale of Firearms, etc., to Children Prohibited: Any person within the City who shall sell to any child under the age of sixteen (16) years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Sweet Springs

31.116. Sale of weapons to minors. Any person who shall within the City, directly or indirectly sell or deliver, loan or barter to any minor any kind of firearms * * * or other dangerous weapon, without the consent of the parent or guardian of such minor, shall upon conviction thereof be deemed guilty of a misdemeanor.

University City

23-37.1. Weapons—Handguns Prohibited. It shall be unlawful for any person to manufacture, assemble, distribute, or sell any handgun within the City. ,'Handgun" means any pistol, revolver or other firearm having a barrel of less than 10'' in length, measured by the insertion therein of a rod with the receiver or slide closed. Nothing herein shall apply to officers of the law who are authorized to carry arms.

Valley Park

302.090: Weapons. a. It is unlawful to: (5) Directly or indirectly, sell or deliver, loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor; * * *.

Warrensburg

16-85. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms ,* * * without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Waynesville

217-1. No person shall * * * have any such weapon (any kind of firearms, including firearms designed for firing blank cartridges) in his possession when intoxicated, nor shall directly or indirectly sell or deliver, loan or barter, to any minor such weapon, without the consent of the parent or guardian of such minor.

Webb City

Sec. 17-61. * * * Firearms and ammunition not to be provided to minors. It shall be unlawful for any person within the city to sell, give away or otherwise dispose of, to any minor, firearms or ammunition of any type, including but not limited to blank cartridges, * * * excepting toy pistols which shoot paper caps only, or to allow such to be done by any person in his employ or under his control.

Wellston

Ordinance 191

Section 1. If any person shall * * * [directly or indirectly, sell or deliver, loan or barter to any minor] any kind of firearms, * * * without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than One Hundred ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail not less than fifty days nor more than one year, or by both such fine and imprisonment; provided, that nothing contained in this section shall apply to legally qualified sheriffs, police officers and other persons whose bona fide duty is to execute process, civil or criminal, make arrest, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through this state.

Wentzville

Section 220.030: Weapons. D. Sales to Intoxicated Persons and Minors: No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

Wright City

230.420 Weapons * * * * * F. Sales to Intoxicated Persons and Minors. No one shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of twenty-one (21) years.

* * * * *

Montana

State Law

Rev. Codes of Mont.

94-8-201. (11317.1) Definitions. In 94-8-202 through 94-8-208 the following definitions apply:

(1) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which more than six shots or bullets may be rapidly, automatically, or semiautomatically discharged from a magazine by a single function of the firing device.

(2) "Crime of violence" means any of the

following crimes or an attempt to commit any of the same: any forcible felony, robbery, burglary, and criminal trespass.

(3) "Person" includes a firm, partnership, association, or corporation.

94-8-202. (11317.2) Possession or use of machine gun—when unlawful. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than twenty years.

94-8-204. (11317.4) Presumption of offensive or aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) when the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) when the machine gun is in the possession of or used by a person who has been convicted of a crime of violence in any court of record, state or federal, in the United States of America or its territories or insular possessions;

(3) when the machine gun is of the kind described in 94-8-208 and has not been registered as required in that section; or

(4) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

94-8-206. (11317.6) Exceptions. Nothing contained in this act shall prohibit or interfere with:

1. The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

94-8-207. (11317.7) Manufacturer to keep register of machine guns—contents—inspection—penalty for failure to keep. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not less than one hundred dollars ($100.00).

94-8-208. (11317.8) Registration of machine guns now in state and hereafter acquired. Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the secretary of state on the—effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the secretary of state and furnished upon application.

To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

94-8-209.1. Destructive device and explosive defined. (1) "Destructive device", as used in this chapter, includes but is not limited to the following weapons:

(a) a projectile containing an explosive or incendiary material or any other similar chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns;

(b) a bomb, grenade, explosive missile, or similar device or a launching device therefor;

(c) a weapon of a caliber greater than .60 caliber which fires fixed ammunition or any ammunition therefor, other than a shotgun or shotgun ammunition;

(d) a rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or a launching device therefor and a rocket, rocket-propelled projectile, or similar device containing an explosive or incendiary material or any other similar chemical substance other than the propellant for the device, except devices designed primarily for emergency or distress signaling purposes;

(e) a breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and which has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(2) "Explosive", as used in this chapter, means any explosive defined in 69-1901.

94-8-209.2. Possession of a destructive device. (1) A person who, with the purpose to commit a felony, has in his possession any destructive device on a public street or highway, in or near any theater, hall, school, college, church, hotel, other public building, or private habitation, in, on, or near any aircraft, railway passenger train, car, vessel engaged in carrying passengers for hire, or other public place ordinarily passed by human beings is guilty of the offense of possession of a destructive device.

(2) A person convicted of the offense of possession of a destructive device shall be imprisoned in the state prison for a period of not more than 10 years.

94-8-209.4. Possession of a silencer. (1) A person commits the offense of possession of a silencer if he possesses, manufactures, transports, buys, or sells a silencer and has the purpose to use it to commit an offense or knows that another person has such a purpose.

(2) A person convicted of the offense of possession of a silencer is punishable by imprisonment in the state prison for a term of not less than 5 years or more than 30 years or a fine of not less than $1,000 or more than $20,000 or by both such fine and imprisonment.

94-8-209.5. Possession prima facie evidence of unlawful purpose. Possession of a silencer or of a bomb or similar device charged or filled with one or more explosives is prima facie evidence of a purpose to use the same to commit an offense.

94-8-219. When Montana residents may purchase rifles or shotguns in contiguous states. Residents of Montana may purchase any rifle or rifles and shotgun or shotguns in a state contiguous to Montana, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to such purchase in Montana and in the state in which the purchase is made.

Deer Lodge

This municipality has adopted Montana State laws.

Nebraska

State Law

Rev. Stat. of Nebr.

28-1201. Fugitive from justice * * * machine gun, other terms; defined. As used in sections 28-1201 to 28-1212, unless the context otherwise requires:

(1) Fugitive from justice shall mean any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

* * * * *

(4) Machine gun shall mean any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;

(5) Short rifle shall mean a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and

(6) Short shotgun shall mean a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

* * * * *

28-1203. Transportation or possession of machine guns, short rifles, or short shotguns; penalty; exception. (1) Any person or persons who shall transport or possess any machine gun, short rifle, or short shotgun commits a Class IV felony.

(2) The provisions of this section shall not be held to prohibit any act by peace officers, members of the United States armed services, or enlisted men in the National Guard of this state, in the lawful discharge of their duties, or persons qualified under the provisions of federal law relating to the short rifle, short shotgun, or machine gun.

28-1204. Unlawful possession of a revolver; exceptions; penalty. (1) Any person under the age of eighteen years who possesses a pistol, revolver, or any other form of short-barreled hand firearm commits the offense of unlawful possession of a revolver.

(2) The provisions of this section shall not apply to the issuance of such firearms to members of the armed forces of the United States, active or reserve, state militia, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.

(3) Unlawful possession of a revolver is a Class III misdemeanor.

* * * * *

28-1206. Possession of firearms by a fugitive from justice or a felon; penalty. (1) Any person who possesses any firearm with a barrel less than eighteen inches in length * * * and who has previously been convicted of a felony or who is a fugitive from justice commits the offense of possession of firearms by a fugitive from justice.

(2) Such felony conviction may have been had in any court in the United States, the several states, territories, or possessions, or the District of Columbia.

(3) Possession of firearms by a fugitive from justice or a felon is a Class IV felony.

28-1207. Possession of a defaced firearm; penalty. (1) Any person who knowingly possesses, receives, sells, or leases, other than by delivery to law enforcement officials, any firearm from which the manufacturer's identification mark or serial number has been removed, defaced, altered, or destroyed, commits the offense of possession of a defaced firearm.

(2) Possession of a defaced firearm is a Class IV felony.

28-1209. Failure to register tranquilizer guns; penalty. (1) Any person who fails or neglects to register any gun or other device designed, adapted or used for projecting darts or other missiles containing tranquilizers or other chemicals or compounds which will produce unconsciousness or temporary disability in live animals, with the county sheriff of the county in which the owner of the gun or device resides, commits the offense of failure to register tranquilizer guns.

(2) Failure to register tranquilizer guns is a Class III misdemeanor.

28-1210. Failure to notify the sheriff of the sale of tranquilizer guns; penalty; record. (1) Any person, partnership or corporation selling any gun or other device as described in section 28-1209 who fails to immediately notify the sheriff of the county of the sale and giving the name and address of the purchaser thereof and the make and number of the gun or device, commits the offense of failure to notify the sheriff of the sale of tranquilizer guns.

(2) The sheriff shall keep a record of such sale with the information furnished him.

(3) Failure to notify the sheriff of the sale of tranquilizer guns is a Class III misdemeanor.

28-1211. Firearms; purchase, sell, trade, convey; conditions. The State of Nebraska herewith permits its residents, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components or firearm accessories in Nebraska and in states contiguous to Nebraska. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922(b), (3) (A) of Public Law 90-618 of the 90th Congress, Second Session. In the event that presently enacted federal restrictions on the purchase of rifles, shotguns, ammunition, reloading components, or firearm accessories are repealed by the United States Congress or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of shotguns, rifles, ammunition, reloading components, or firearm accessories by residents of Nebraska otherwise competent to purchase same in contiguous or other states.

* * * * *

28-1213. Explosives, destructive devices, other terms; defined. As used in sections 28-1213 to 28-1239, unless the context otherwise requires:

(1) Person shall mean any individual, corporation, company, association, firm, partnership, society, or joint stock company;

(2) Business enterprise shall mean any corporation, partnership, company, or joint stock company; * * *

(7) Destructive devices shall mean: (a) Any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, (vi) booby trap, (vii) Molotov cocktail, or (viii) any similar device, the primary or common purpose of which is to explode and to be used as a weapon against any person or property; or

(b) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision (7) (a) of this section from which a destructive device may be readily assembled. The term destructive device shall not include any device which is neither designed nor redesigned for use as a weapon to be used against person or property; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the State Fire Marshal finds is not likely to be used as a weapon, or is an antique; or any other device possessed under circumstances negating an intent that the device be used as a weapon against any person or property;

* * * * *

28-1220. Possession of a destructive device; penalty; permit or license for explosive materials; no defense. (1) Any person who has in his possession a destructive de-

vice, as defined in subdivision (7) of section 28-1213, commits the offense of possession of a destructive device.

(2) A permit or license issued under any state or federal law to possess, own, use, distribute, sell, manufacture, store, or handle in any manner explosive materials shall not be a defense to the crime of possession of a destructive device as defined in this section.

(3) Possession of a destructive device is a Class IV felony.

* * * * *

28-1243. Unlawful sale of toy revolvers and blank cartridges; penalty; exceptions. (1) Any person, except as provided for in subsection (2) of this section, who shall use, sell, offer for sale, or keep for sale in this state any toy revolvers for shooting blank cartridges or blank cartridges for toy revolvers, commits the offense of unlawful sale of toy revolvers and blank cartridges.

(2) Caps containing dynamite may be used, kept for sale, or sold when needed for mining purposes, or for danger signals or for other necessary uses, and blank cartridges may be sold or used for ceremonial purposes, athletic or sporting events.

(3) Unlawful sale of toy revolvers and blank cartridges is a Class III misdemeanor.

Aurora

6-311 Misdemeanors; Selling Weapons to Minors, Possession. It shall be unlawful for any person to sell or give away to any person under the age of sixteen (16) years any rifle, gun, pistol, * * * blank cartridge revolver or any other firearm, * * * It shall be unlawful for any person under the age of sixteen (16) years to have in his possession any firearm or weapon as described above or any ammuniton designed for use in said above described firearms or weapons unless said individual is accompanied by a person of legal age.

Ceresco Village

Ceresco Code

10-413 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Creston

10-409 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Gering

6-4-3: Sale to minors: It shall be unlawful for any person within the Corporate Limits of the City to sell or give away to any minor under the age of twenty-one (21) years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Grand Island

Sec. 22-10. It shall be unlawful for any person to sell, loan, give or furnish to any minor, any gun, fowling piece, or other firearm * * * within the city.

Hastings

11-511. Sale to intoxicated persons and minors. No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Humphrey

10-409 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Kearney

Sec. 21.13. Same—Sale to and Possession by Minors. It shall be unlawful for any person within the city to sell or give way to any minor under the age of eighteen years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder, or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Kimball

6-4-4. Sale to Persons Under Eighteen Years of Age Forbidden: It shall be unlawful for any person to sell or give away to any other person under the age of eighteen years, or for any person under the age of eighteen years to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such person's, parent or guardians.

Lincoln

9.28.020 Minors not to be furnished with firearms and weapons. It is unlawful for any person to sell, loan or furnish to any minor any gun, fowling piece, or other firearm * * * ; provided, it shall be lawful to sell, loan or furnish shotguns, rifles, and .22-caliber pistols, of a type commonly used for hunting, to persons eighteen years of age or older.

Malcolm

10-404 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Omaha

16.86.020 Permits Required * * * Any person who is engaged in the business of a Firearms Dealer shall first obtain a written permit to do so from the Permits & Inspection Division of the City of Omaha. * * * * *

16.86.050 Firearms to Be Retained for Ten Days. No firearm received on deposit, purchased or taken in trade by any Firearm Dealer shall be sold or permitted to be taken from the place of business of such person for

the period of ten (10) days after the mailing to the Chief of Police of the copy and statement * * * requiring a list of all Firearms or other valuable things, received or deposited, purchased, mortgaged, or taken in trade during the previous day.

25.01.015 **Concealable Firearm.** The term 'Concealable Firearm' shall mean a firearm having a barrel less than 18'' in length.

25.01.020 **Firearm.** The term 'Firearm' shall mean any instrument which releases a projectile by means of an explosive charge.

25.53.010 **Possession of an Unregistered Concealable Firearm.** It shall be unlawful for any person to own, have possession of or maintain control over any concealable firearm which has not been registered to said person with the Chief of Police in accordance with this Chapter, except when such possession or control is with the knowledge and express consent of the person in whose name such concealable firearm is registered.

25.93.010. **Sale of a firearm to a minor.** It shall be unlawful for any person to sell to a minor any firearm or ammunition therefor.

25.93.030. **Purchasing or renting a firearm.** It shall be unlawful for any person to sell or rent a firearm to any person who has not obtained a written permit from the Chief of Police as provided for in this Title.

25.93.040. **Pawning a firearm.** It shall be unlawful for any person to pawn, pledge or store a firearm or to accept a firearm in pawn or as a pledge of or for storage from a person who has not registered it as provided for in this Title.

Pleasant Dale Village

10-409 **Firearms Vendor; Sale to Minors.** It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Stromsburg

10-425 **Firearms Vendor; Sale to Minors.** It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Tekamah

6-4-4. **Sale to minors forbidden:** It shall be unlawful for any person to sell or give away to any minor under the age of twenty-one (21) years, or for any minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Trenton

10-411 **Firearms Vendor; Sale to Minors.** It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Utica

Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Waterloo Village

This municipality has adopted Nebraska State laws.

Nevada

State Law

Nev. Rev. Stat.

* * *

202.253 **"Firearm" defined.** As used in NRS 202.255 to 202.360, inclusive, "firearm" means any weapon with a caliber of .177 inches or greater from which a projectile may be propelled by means of explosive, spring, gas, air or other force.

202.260 **Infernal machines.** 1. Any person who unlawfully possesses, manufactures, or disposes of any explosive or incendiary device with intent to destroy life or property shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. For the purposes of this section: (a) "Dispose of" means give, give away, loan, offer, offer for sale, sell or transfer.

(b) "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its intended use would cause destruction or injury to life or property.

3. Subsection 1 does not prohibit the manufacture, use, possession or disposal of any material, substance or device by those persons engaged in mining or any other lawful activity or who are authorized by governmental agencies, which have lawful control over such matters, to use such items in the performance of their duties.

202.275 **Unlawful possession, manufacture, disposition of short-barreled rifle, short-barreled shotgun: Penalty; exceptions.**

1. Any person who unlawfully possesses, manufactures or disposes of any short-barreled rifle or short-barreled shotgun shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. For purposes of this section:

(a) "Short-barreled rifle" means:

(1) A rifle having one or more barrels less than 16 inches in length; or

(2) Any weapon made from a rifle, whether by alteration, modification or other means, with an overall length of less than 26 inches.

(b) "Short-barreled shotgun" means:

(1) A shotgun having one or more barrels less than 18 inches in length; or

(2) Any weapon made from a shotgun, whether by alteration, modification or other means, with an overall length of less than 26 inches.

3. This section does not prohibit:

(a) The possession or use of any short-barreled rifle or short-barreled shotgun by any peace officer when authorized to do so in the performance of official duties; or

(b) The possession of any short-barreled rifle or short-barreled shotgun by any person who is licensed as a firearms importer, manufacturer or dealer by the United States Department of the Treasury.

202.277 Changing, altering, removing, obliterating serial number of firearm unlawful.

1. It is unlawful for any person to change, alter, remove or obliterate the serial number upon any firearm. Possession of any firearm upon which the serial number has been changed, altered, removed or obliterated is prima facie evidence that the possessor has changed, altered, removed or obliterated the serial number.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

202.310 Sales of certain firearms to minors under 18 years unlawful. 1. Any person in this state who sells or barters to another under the age of 18 years either a pistol, revolver or a firearm capable of being concealed upon the person shall be guilty of a misdemeanor.

2. The term "firearm capable of being concealed upon the person" as used in this section applies to and includes all firearms having a barrel less than 12 inches in length.

202.360 Alien, ex-felon not to possess firearm capable of being concealed on person; penalty. 1. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this section, apply to and include all firearms having a barrel less than 12 inches in length.

2. After July 1, 1925, no unnaturalized foreign-born person, and no person who has been convicted of a felony in the State of Nevada, or in any one of the states of the United States of America, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

Tear Gas Bombs and Weapons

202.370 Definitions. As used in NRS 202.370 to 202.440, inclusive:

1. "Shell," "cartridge" or "bomb" shall be construed to apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosions will cause or permit the release or emission of tear gas.

2. "Tear gas" shall be construed to apply to and include all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air. "Tear gas" does not include a liquid, gaseous or solid substance whose active ingredient is composed of natural substances or products derived from natural substances which cause no permanent injury through being vaporized or otherwise dispersed in the air.

3. "Weapon designed for the use of such shell, cartridge or bomb" shall be construed to apply to and include all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

202.380 Sale, possession of tear gas bombs, weapons without permit unlawful; exceptions. 1. Every person, firm or corporation who within the State of Nevada knowingly sells or offers for sale, possesses or transports any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of NRS 202.370 to 202.440, inclusive, shall be guilty of a gross misdemeanor.

2. Nothing in NRS 202.370 to 202.440, inclusive, shall prohibit police departments or regular salaried members thereof, sheriffs and their regular salaried deputies, or the military or naval forces of this state or of the United States from purchasing, possessing or transporting such shells, cartridges or bombs for official use in the discharge of their duties.

202.390 Weapon to bear name of manufacturer and serial number; penalty for removal. 1. Each tear gas weapon sold, transported or possessed under the authority of NRS 202.370 to 202.440, inclusive, shall bear the name of the manufacturer and a serial number applied by him.

* * * * *

202.400 Permit for possession, transportation, protective system, to be issued by chief of Nevada highway patrol. 1. It shall be lawful for the chief of the Nevada highway patrol to issue a permit for the possession and transportation of such shells, cartridges, bombs or weapons upon proof to the chief that good cause exists for the issuance thereof to the applicant for such permit.

2. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.

202.440 Licenses for retail sale of bombs, weapons: conditions. The sheriff of any county may also grant licenses in a form to be prescribed by him, effective for not more than 1 year from the date of issuance, to permit the sale at retail, at the place specified in the license, of such shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges, bombs or weapons, * * *.

* * * * *

3. No such shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of NRS 202.370 to 202.440, inclusive. No protective system involving the use of such shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of such system.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent * * *.

* * * * *

598.060 Sales of rifles, shotguns to residents of Nevada and contiguous states in accordance with provisions of federal law. 1. Residents of the State of Nevada may purchase rifles and shotguns in states contiguous to Nevada if:

(a) Such residents conform to the applicable provisions of the federal firearms control law (18 U.S.C. Sec. 921 et seq.) and any regulation promulgated thereunder.

(b) Such residents conform to the provisions of law applicable to such a purchase in Nevada and in the state where the purchase is made.

Carson City

8.20.020. Sale of dangerous weapons to minors prohibited. It shall be unlawful for any person, firm or association to sell or dispose of any * * * revolver, pistol, gun or other dangerous or deadly weapon to any person under the age of twenty-one years. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding twenty dollars, or imprisonment in the city jail not exceeding ten days, or both such fine and imprisonment.

Clark County

12.04.010 Definitions. In this chapter, unless the context clearly requires otherwise, the following definitions shall apply and be effective:

(1) "Dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

(2) "Firearm capable of being concealed" means any gun, pistol, revolver or other firearm, the barrel of which does not exceed twelve inches in length from which a dangerous projectile may be propelled by explosives, springs, gas or air, as a means of propulsion.

12.04.020 Dealing in pistols without permit unlawful. It is unlawful within the unincorporated area of Clark County, for any person, except a dealer having a pistol permit issued under the provisions of this chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

12.04.050 Persons prohibited from purchasing or owning pistols. It is unlawful in the unincorporated area of Clark County, for any person to receive from another by loan, gift, purchase, or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof;

(b) Is a fugitive from justice;

(c) Is an unlawful user or seller of narcotics;

(d) Is a habitual drunkard;

(e) Is a member of an organization advocating criminal syndicalism as defined in NRS 203.160 through 203.190;

(f) Is foreign born and not a naturalized citizen of the United States;

(g) Has been adjudged insane in the state or any other state and has not subsequently been adjudged sane.

12.04.060 Prohibited sales and transfer of a pistol. It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages;

(b) Is mentally ill or disturbed;

(c) Is seventeen years of age or under;

(d) Is a person prohibited from purchasing a pistol as provided in Section 12.04.050.

12.04.070 Certain persons prohibited from purchasing or owning pistols. It shall be unlawful for any person who is included in any one or more of the categories set forth in Section 12.04.050 of this chapter, to receive from another by loan, gift, purchase or in any other manner, or in any manner whatsoever, to attempt to obtain, or have in his or her possession or control, any pistol; provided, however, that a person under the age of eighteen years may have a pistol in his or her possession, or under his or her control, while accompanied by or under the immediate charge of his or her parent, guardian, or other responsible adult, and while engaged in hunting or target practice or other lawful purpose.

12.04.080 Time between sale and delivery of pistol. When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser. * * *

12.04.090 Exceptions to Section 12.04.080. The aforesaid seventy-two hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency; or a peace officer of the state of Nevada or any political subdivision thereof, regularly employed for pay by the state or such subdivision; or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County. And said waiting period shall not apply to any person who requires the use of a pistol in connection with his employment, and who receives written permission from the sheriff with express waiver of the waiting period; however, all of the other provisions herein shall apply to any such sales.

12.04.120 Sale or possession of certain pistols prohibited. It shall be unlawful to purchase, sell, or in any manner to transfer, or have in possession or control, any pistol on which the name of the manufacturer, or the model, or the manufacturer's serial number has been removed, obliterated, concealed, or altered.

12.04.140 Sale of foreign made pistols with ammunition restricted. No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

12.04.150 Sale of homemade pistols prohibited. No homemade pistols shall be bought or sold except as provided by law under the federal firearms act.

12.04.160 Condition of pistols sold. All secondhand and used pistols, except antique pieces, sold or purchased, shall be in a safe and operable condition.

12.04.200 Registration of firearms capable of being concealed. It is unlawful for any person to own or have in his possession, within the unincorporated area of Clark County, a gun, pistol, revolver, or other firearm capable of being concealed, unless the same has first been registered with the sheriff or with a police department of any of the incorporated cities of Clark County.

12.04.210 Unlawful transfer of firearms capable of being concealed. It is unlawful for any person to sell, give away or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferor thereof first registers, or causes the weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

Henderson

8.98.030 Concealable weapons to be registered. It shall be unlawful for any person to own or have in his possession a gun, pistol, revolver or other firearm capable of being concealed without first having registered it with the chief of police.

8.98.040 Exchange of weapons to be registered. It shall be unlawful for any person to sell, give away or permanently pass possession of a gun, pistol, revolver or other firearm without first having the weapon registered to the new owner thereof with the chief of police by the seller, giver or person permanently passing possession thereof.

8.98.050 Concealable weapon defined. For the purposes of this chapter, a weapon capable of being concealed is defined as any gun or firearm with a barrel whose length is fourteen inches or less or whose overall length is eighteen inches or less.

Las Vegas

6-4-1: Pistol Defined: The term "Pistol" shall mean any small firearm fired by hand, loaded or unloaded capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches (12") in length including revolvers, automatics, derringers and like weapons from which a dangerous projectile may be propelled * * *

6-4-2: Person Defined: The term "Person" shall mean any individual, partnership, association or corporation.

6-4-3: Dealer Defined: The term "Dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

6-4-4: Dealing in Pistols without Permit Unlawful: It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

6-4-7: Sales to Certain Persons Prohibited: It shall be unlawful for a dealer or any other person to sell, lease, rent or otherwise

transfer a pistol to any person whom he knows or has reasonable cause to believe is included within any one or more of the following categories:

A. Who is under the age of 18 years.

B. Who is under the influence of intoxicating beverages.

C. Who is a fugitive from justice.

D. Who has been convicted of a felony in the State of Nevada or any State or territory of the United States or any political subdivision thereof.

E. Who is an unlawful user or seller of narcotics.

F. Who is a member of an association advocating criminal syndicalism as defined in Section 203.160 through 203.190 of the Nevada Revised Statutes.

G. Who is foreign born and not a naturalized citizen of the United States of America.

H. Who has been adjudged insane in this State or elsewhere and has not subsequently been adjudged sane by a court of competent jurisdiction.

6-4-8: Certain Persons Prohibited from Purchasing or Owning Pistols: It shall be unlawful for any person who is included within any one or more of the categories set forth in Section 7 of this Chapter, to receive from another by loan, gift, purchase or in any manner, or to attempt to obtain in any manner or have in his or her possession or control any pistol; provided, however, that a person under the age of 18 years may have a pistol in his or her possession or under his or her control while accompanied by or under the immediate charge of his or her parent, guardian, or responsible adult and while engaged in hunting or target practice or other lawful purpose.

6-4-9: Seventy-two Hours must Elapse between Sale and Delivery of Pistol: When any sale of a pistol is made by a dealer under this Chapter, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser, and when delivered, all pistols must be securely wrapped, must be unloaded and must be accompanied by a receipt, signed by dealer, setting forth the name, address and description of the purchaser or transferee, a complete description of the pistol, including the manufacturer, model and manufacturer's serial number thereof, the date and time of sale and the date and time of delivery of such pistol, and a statement notifying the purchaser or transferee that said pistol must be registered with the Chief of Police within twenty-four (24) hours.

The aforesaid seventy-two (72) hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency, that he is a peace officer of the State of Nevada or any political subdivision thereof who is regularly employed for pay by the State or such subdivision, or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County, Nevada, nor shall said waiting period apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive said waiting period; provided, however, that all of the other provisions shall apply to any of such sales.

6-4-12: Sale or Possession of Certain Pistols Prohibited: It shall be unlawful to purchase, sell, or to transfer in any manner or to have in possession or control any pistol on which the name of the manufacturer, model or manufacturer's serial number has been removed or altered.

6-4-14: Sale of Foreign made Pistols with Ammunition Restricted: No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly made for the pistol.

6-4-15: Sale of Home-made Pistols Prohibited: No home-made pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

6-4-16: Condition of Pistols Sold: All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe and first class condition.

North Las Vegas

66-2. It shall be unlawful for any person to sell, offer to sell or to give or lend any minor under the age of 18 years any ammunition for any firearms enumerated in Section 1 hereof (pistol, revolver and firearms capable of being concealed upon the person).

304-1. Definitions. Unless the context clearly requires otherwise, the following definitions shall apply and be effective in this ordinance:

1.1 Dealer. The term "dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans as set forth herein.

1.2. Pistol. The term "pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve (12) inches in length including revolvers, automatics and derringers from which a dangerous projectile may be propelled by explosives.

304-2. Dealing in Pistols without Permit Unlawful. It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Ordinance, to engage in the business of buying or selling pistols at retail or wholesale or to lease or to pledge or accept any pistol as security for a loan.

304-8. 72 Hour Waiting Period. When any sale of a pistol is made by a dealer under this Ordinance, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser and, when delivered, all pistols must be unloaded.

This section shall not apply to Federal law enforcement agencies or to a police officer of the State of Nevada or any subdivision thereof who is regularly employed and paid by the State or subdivision, or to any person who currently owns a pistol which is duly registered in his name with any law enforcement agency of Clark County or who has a currently valid permit to carry a concealed pistol, nor shall it apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive the 72 hour waiting period.

304-11. Means of Identifying Pistol. It shall be unlawful to purchase, sell or to transfer in any manner, or to have in possession or control, any pistol on which the name of the manufacturer, model and manufacturer's serial number has been removed or altered unless, if upon presentation for registration, the pistol can otherwise be identified to the satisfaction of the Chief of Police, in which case the means of identification shall be noted upon the registration card.

304-12. Persons Prohibited from Purchasing or Owning Pistols. It shall be unlawful for any person to receive from another by loan, gift, purchase or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this Ordinance who:

(a) Has been convicted of a felony in the State of Nevada, or in any state or territory of the United States or any political subdivision thereof.

(b) Is a fugitive from justice,

(c) Is an unlawful user or seller of narcotics,

(d) Is an habitual drunkard,

(e) Is a member of an organization advocating criminal syndicalism as defined in N.R.S. 203.160 through 203.190.

(f) Is foreign born and not a naturalized citizen of the United States of America,

(g) Has been adjudged insane in this State or any other state and has not subsequently been adjudged sane.

304-13. Prohibited Sales and Transfers of a Pistol. It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages,

(b) Is mentally ill or disturbed,

(c) Is under 18 years of age, or

(d) Is a person prohibited from purchasing a pistol as provided in Section 12 preceding.

304-15. Sales of Foreign Made Pistols with Ammunition Restricted. No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly designed for use with such pistol.

304-16. Homemade Pistols Prohibited. No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

304-17. Condition of Pistols Sold. All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe, operable condition.

304-20. Blank Cartridge Pistols Prohibited. Possession, transportation, sale or use of a blank cartridge pistol, except for theatrical purposes or for the training or exhibiting of dogs or for signal purposes in athletic sports or by railroads for signal purposes or for use by the United States Armed Forces or any organization of war veterans or by peace officers is prohibited.

Reno

14.14.030 Small arms ammunition defined. "Small arms ammunition" whenever used in this title means any shotgun, rifle, pistol or revolver cartridges.

14.14.040 Manufacture of small arms ammunition unlawful—Exception. It shall be unlawful for any person to manufacture within the limits of the city any small arms ammunition. This shall not be construed as prohibiting the handloading of small arms ammunition for private use and not for resale.

14.14.050 Storage and sale of small arms ammunition unlawful without permit. It shall be unlawful for any person to store for sale, sell, or offer for sale any small arms ammunition without a permit.

Winnemucca

20.160 Minors, furnishing explosives to. 2. It is unlawful to sell or give to any minor under 12 years of age any small firearms ammunition without a written order or permit from the parent or guardian of such minor.

New Hampshire

State Law

N.H. Rev. Stat. Ann.

Chapter 159
Pistols and Revolvers

159:1 Definition. Pistol or revolver, as used herein, means any firearm with barrel less than sixteen inches in length. It does not include antique pistols or revolvers. An antique pistol or revolver, for the purposes of this chapter, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

159:3 Possession; Felons. No person who has been convicted of a felony against the person or property of another, shall own or have in his possession or under his control a pistol or revolver, unless said weapon is obtained in accordance with the provisions of RSA 159:7. Whoever violates the provisions of this section shall be guilty of a class B felony, and upon conviction the weapon shall be confiscated to the use of the state.

159:7 Permit to Purchase. No person shall sell, deliver or otherwise transfer a pistol or revolver to a person who has been convicted of a felony against the person or property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery is made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address and nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Whoever violates the provisions of this section shall be guilty of a misdemeanor.

159:8 License to Sell. The selectmen of a town and the chief of police of a city may grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

I. The business shall be carried on only in the building designated in the license or at any organized sporting show or arms collectors' meeting sponsored by a chartered club or organization.

159:8-a [New] Sales to Nonresidents; Attorney General. No person holding a license issued under the provisions of section 8 shall sell a pistol or revolver to a nonresident unless such nonresident has authority under the laws of the state of his residence, to purchase a pistol or revolver in the state of his residence, or unless the director of the division of state police, for good cause shown, has issued to such nonresident a permit for the purchase of a pistol or revolver. The attorney general shall, at least once annually, file with the secretary of state a summary of the laws of each state of the United States relative to the purchase of pistols and revolvers in such states; and a licensee may rely upon such summary in determining if a nonresident offering to purchase a pistol or revolver has authority to make such purchase under the laws of the the state of his residence.

159:10 Sale Without License. Any person who, without being licensed as herein provided, sells, advertises or exposes for sale, or has in his possession with intent to sell, pistols or revolvers shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

159:11 False Information. If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall for a first offense be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or subsequent offense he shall be imprisoned not less than one year and not more than three years.

159:12 Sale to Minors. Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor. This section shall not apply to fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

* * * * *

159:16 [New] Carrying or Selling Weapons. Whoever, except as provided by the laws of this state, sells, has in his possession with intent to sell, or carries on his person any * * * pistol cane * * * shall be guilty of a misdemeanor; and such weapon or article so carried by him shall be confiscated to the use of the state.

159:17 [New]—Exception. The provisions of the preceding section shall not apply to officers of the law, to persons holding hunters' licenses when lawfully engaged in hunting, to employees of express companies while on duty, or to watchmen while on duty.

Chapter 159-A [New]
Purchase Of Shotguns And Rifles

159-A:1 Purchase in Contiguous States. Residents of the state of New Hampshire may purchase rifles and shotguns in a state contiguous to the state of New Hampshire, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of New Hampshire and in the contiguous state in which the purchase is made.

* * * * *

New Jersey

State Law

N.J. Stat. Ann.

2A:151-1. Definitions. The following definitions apply to this chapter:

a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.* * *

b. Pistol or revolver includes any firearm with an overall length less than 26 inches, or a shotgun having a barrel or barrels of a length less than 18 inches, or a rifle having a barrel length less than 16 inches.

c. Rifle and shotgun includes all other firearms with overall length of 26 inches or greater, provided the length of the barrel or barrels, if a shotgun, is 18 or more inches, and if a rifle is 16 or more inches but does not include machine guns or automatic rifles as defined in section 2A:151-49.

d. Person includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural as well as the singular and any gender.

e. Superintendent means the Superintendent of State Police.

f. Manufacturer includes all persons who receive or obtain raw materials or parts and process them into firearms or finished parts of firearms, except those persons who exclusively process grips, stocks and other nonmetal parts of firearms. It shall not include those persons who repair existing firearms or who receive and use raw materials or parts solely for the repair of existing firearms.

g. Wholesale dealer includes all persons except the manufacturer, who sell, transfer or assign firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumer, and shall include persons, except the manufacturer, who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

h. Retail dealer includes all persons except the manufacturer and wholesale dealer who sell, transfer or assign for a fee or profit any firearm or parts of firearms which they have purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumer. It shall also include any person who sells any firearm to satisfy a debt secured by the pledge of a firearm.

i. Explosive includes any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

2A:151-2. Pawnbrokers not to deal in weapons. Any pawnbroker who sells or possesses for sale or to lend or give away, any firearm or * * * * * grenade, bomb or other explosive is guilty of a high misdemeanor.

2A:151-5. Additional sentence for armed criminals. Any person who commits or attempts to commit an assault, robbery, larceny, burglary, breaking and entering, rape, murder, mayhem, arson, abduction, extortion, kidnapping, sodomy or treason, or who is a fugitive from justice, when armed with or having in his possession any firearm, whether or not capable of being discharged or dangerous instrument of any kind, * * * grenade, bomb or other explosive or any object or device, whether toy or imitation, having an appearance similar to or capable of being mistaken for any of the foregoing, shall, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not less than one nor more than 10 years; upon a second conviction by imprisonment for not less than 3 nor more than 15 years; upon a third conviction by imprisonment for not less than 5 nor more than 20 years; and upon a fourth or subsequent conviction, by imprisonment for not less than 10 years nor more than for life, in the discretion of the court. No such additional punishment shall be imposed unless the indictment shall have averred that the person was armed with or had in his possession any such instrument and conviction was had thereon.

2A:151-8. Certain persons not to have weapons; penalty. Any person, having been convicted in this State or elsewhere of any crime enumerated in section 2A:151-5, whether or not armed with or having in his possession any firearm or dangerous instrument enumerated in section 2A:151-5, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a controlled dangerous substance as defined in article 2 of P.L. 1970, c. 226 (C. 24:21-3 et seq.), who purchases, owns, possesses or controls any firearm or any of the said dangerous instruments, is guilty of a misdemeanor.

Whenever any person shall have been convicted in another State, territory, commonwealth or other jurisdiction of the United States, or of any country in the world, in a court of competent jurisdiction, of a crime which in said State, jurisdiction or country shall be equal to or comparable or the same as one of the crimes designated in 2A:151-5, then that person shall be subject to the provisions of this section.

2A:151-9. Right to refuse to sell weapons; sales to persons without permit or to persons of unsound mind or with physical defect; penalty. Any person shall have the right to refuse to sell any firearm or dangerous instrument to any other person, provided however that any person who knowingly sells any firearm to a person who does not possess and exhibit to the seller a permit to purchase in the case of a pistol or revolver or a firearms purchaser identification card in the case of a rifle or shotgun; or where the seller has reason to believe that the person is of unsound mind or suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, is guilty of a misdemeanor. The presentation of a permit for the purchase of a pistol or revolver, or the signing of a

certification and presentation of a firearms purchaser identification card for the purchase of a rifle or shotgun as set forth in section 2A:151-32, shall be prima facie evidence of compliance with the requirements of this chapter.

2A:151-10. Sale of weapons or loaded or blank cartridges to minors. Any person who knowingly offers, sells, lends, leases or gives to any person under the age of 18 years, any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, or a toy pistol or other instrument from which a loaded or blank cartridge may be fired, or any loaded or blank cartridge therefor, is guilty of a misdemeanor; provided however that a person may lend a firearm to a minor who may borrow same for the purpose of carrying, firing or using said firearm under section 2A:151-11, and provided further said minor furnishes the owner with written consent to his use thereof by his parent or legal guardian.

2A:151-11. Acquisition of weapons or explosives by minors; exceptions. Any person under the age of 18 years who purchases, barters, borrows, acquires or exchanges any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, is guilty of a misdemeanor or an act of juvenile delinquency as may be provided otherwise in the statutes; except that any such person may carry, fire or use any firearm in the actual presence or under the direct supervision of his father, mother, guardian or some other person who is himself a holder of a permit to carry a pistol or revolver or a firearms purchaser identification card, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, or for the purpose of competition or target practice in and upon a firing range approved by the governing body or the chief of police of the municipality in which such range is located or the National Rifle Association and which is under competent supervision at the time of such competition or target practice, and except further that a minor under the age of 18 years who has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and carries in his possession a certificate indicating the successful completion of such a course and has a valid hunting license in his own name, may carry and use a rifle or shotgun as otherwise provided in this chapter, for the purpose of hunting during the regularly designated hunting season.

2A:151-12. Manufacture or sale of dangerous instruments prohibited. a. Any person who manufactures or causes to be manufactured, or sells or keeps for sale, or offers, gives or disposes of any * * * grenade, bomb, or other explosive, * * * to any person, except in accordance with Federal or State law is guilty of a misdemeanor.

2A:151-14. Silencers forbidden. Any person who manufactures, sells, purchases or possesses, except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged, is guilty of a misdemeanor.

2A:151-15. Altering serial number, etc., of firearm; sale. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number, or other mark of identification of any firearm; and any person who sells, leases or transfers any firearm whose serial number has been altered, changed, disfigured or defaced is guilty of a misdemeanor.

2A:151-18. Antiques and ornaments excepted This chapter does not apply to antique firearms which are incapable of being fired or discharged or which do not fire fixed ammunition, or those manufactured before 1898 for which cartridge ammunition is not commercially available, and are possessed as curiosities or ornaments or for their historical significance or value.

2A:151-19. Manufacturers and wholesalers of firearms to be registered. No person shall manufacture or sell at wholesale any firearm until he has registered with the superintendent and has furnished him with such particulars as may be prescribed by law and by rules and regulations promulgated by the superintendent for registration. * * * * * The * * * registration shall be valid for a period of 3 years from the date of issuance. * * * The superintendent shall issue a license for each employee * * * which shall be valid for so long as the employee remains in the employ of said wholesale dealer.

2A:151-24. Licenses for retail dealers; standards and qualifications; fees, conditions. No retail dealer shall sell or expose for sale, or possess with intent to sell, any firearm, except that a retail dealer may be licensed to sell firearms as hereinafter provided.

* * * * *

A judge of the county court * * * shall grant licenses in form prescribed by the superintendent (which) shall be valid for a period of 3 years from the date of issuance. * * * The superintendent shall issue a license for each employee * * * which license shall be valid for so long as the employee remains in the employ of said retail dealer.

* * * * *

d. No pistol or revolver shall be delivered to any person:

1. Unless the person has obtained a permit to purchase under the provisions of sections 2A:151-32 through 2A:151-39;

2. Until 7 days have elapsed after date of the application for the permit;

3. Unless the person either is personally known to the seller or presents evidence of his identity;

4. Unless the pistol or revolver is unloaded and securely wrapped;

f. No rifle or shotgun shall be delivered to any person:

1. Unless the person has obtained a firearms purchaser identification card under the provisions of this chapter;

2. Unless the person has exhibited his firearms purchaser identification card and furnished the seller, on a form prescribed by the superintendent, a certification signed by him which shall contain among other things the name, permanent home address and firearms purchaser identification card number of said person. * * * * *

2A:151-27. Signatures on register. The purchaser, lessee or transferee of any pistol or revolver shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

2A:151-32. Purchaser must have permit; firearms purchaser identification card. A. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase or otherwise acquire a pistol or revolver unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a pistol or revolver as provided by this article.

B. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first, exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of section 2A:151-33, and shall contain his name, address and firearms purchaser identification card number or dealer's registration number, and which shall be retained by the seller as provided in section 2A:151-24, provided that a person who is not a dealer may file the certification with the chief of police of the municipality in which he resides or with the superintendent.

2A:151-33. Permit to purchase; who may obtain. No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or

other sections of this chapter, shall be denied a permit to purchase a pistol or revolver or a firearms purchaser identification card, except as hereinafter set forth:

a. No pistol or revolver purchase permit or firearms purchaser identification card shall be issued to any person who has ever been convicted of any crime, to any drug dependent person as defined in P.L.1970, c. 226 (C. 24:21-2) to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard; or

b. To any person who suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic, unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in handling of firearms; or

c. To any person under the age of 18 years; or

d. To any person where the issuance would not be in the interest of the public health, safety or welfare.

2A:151-39. Restriction on number of firearms person may purchase. A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit, except that a person shall not be restricted as to the number of rifles or shotguns he may purchase provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required. * * * * *

2A:151-49. "Machine gun or automatic rifle" defined. The term "machine gun or automatic rifle," as used in this chapter, means any weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition, which can be loaded into the weapon, mechanism or instrument and fired therefrom.

2A:151-50. Sale, purchase or possession of machine guns; penalty. Any person who sells, gives, loans, furnishes or delivers a machine gun or automatic rifle to another person, or a person who purchases, has or possesses any machine gun or automatic rifle, is guilty of a high misdemeanor.

2A:151-51. Exceptions to section 2A:151-50. Section 2A:151-50 of this title does not apply to any person having a license to purchase, have and possess a machine gun or automatic rifle, when the license has been obtained in the manner hereinafter provided; nor to the authorized agents or servants of the licensee; nor to the officers and members of a duly authorized military organization; nor to the officers and members of the police force of any municipality, or of the state; nor to any sheriff or undersheriff; nor to any county prosecutor, his assistants, detectives and employees.

2A:151-52. License to procure machine gun; application; reference and approval; issue of license. Any person who desires to purchase; have and possess a machine gun or automatic rifle may apply to a judge of the county court of the county in which the applicant resides for a license to do so. The application shall be in writing and shall state in detail the reasons why the applicant desires a license. * * * * *

2A:151-58. Possession or carrying of bombs. Any person, except a duly appointed law enforcement officer, or a member of the armed forces of the United States, or of the national guard or organized reserves when on duty, who possesses or carries on or about his person or in a vehicle, any bomb or bombshell, except for blasting or other commercial use, is guilty of a high misdemeanor.

2A:151-59. Possession of bombs with intent to use unlawfully; molotov cocktail; evidence of intent; exceptions. Any person who has in his possession or control any shell, bomb or similar device charged or filled with one or more explosives or any bomb or device commonly known as a fire bomb, "molotov cocktail," or any container charged or filled with an explosive, combustible or incendiary substance, with intent to use the same or cause the same to be used for an unlawful purpose, is guilty of a high misdemeanor, and shall be punished by imprisonment in the State Prison for not more than 25 years.

"Molotov cocktail" as used in this amendment means a breakable container containing flammable liquid and having a wick or similar device capable of being ignited, but is not intended to mean a device commercially manufactured primarily for the purpose of illumination, or other such uses.

The possession, sale or control by a person or persons of any such device or container so charged or filled, is prima facie evidence of an intent to use the same or to cause the same to be used for an unlawful purpose.

This section does not apply to the regular Armed Forces of the United States or its Allies, or to the duly authorized militia of any State or territory thereof, or to the police or fire departments of this State or any municipality or county thereof, provided they are acting in their official capacity and in the performance of their duties; nor does this section apply to explosives or combustibles or incendiary substances while the same are being transported in conformity with the regulations adopted by the interstate commerce commission.

2A:151-60. Possession or carrying of explosives with intent to use unlawfully. Any person who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any explosive liquid, gas or like substance, is guilty of a high misdemeanor.

(The following named sections of the New Jersey gun control law do not relate to specific requirements of the Federal Gun Control Act. They are, however, important to out-of-state firearms dealers who are not familiar with the gun control laws of the State of New Jersey.)

Section 2A:151-3, Penalty for loaning on firearms; **2A:151-6,** Arms as evidence of intent; **2A:151-7,** Firearms or explosives in vehicle; **2A:151-12b,** Manufacture or sale of dangerous instruments prohibited; **2A:151-22,** Manufacturer and wholesale dealer to keep record of sales; **2A:151-25,** Record of sales to be kept, inspection of register; **2A:151-26,** Preparation and furnishing of register; **2A:151-41,** Carrying weapons, permit or identification card required, penalty; **2A:151-41.1,** Possession of firearms on school or college premises; **2A:151-41.2,** Defense; written consent of governing officer required; **2A:151-42,** Carrying weapons about one's premises or for purposes of hunting or target practice; etc.; **2A:151-43,** Carrying weapons; persons excepted from provisions of Section 2A:151-41; **2A:151-56,** Unlawful use of dangerous weapons; **2A:151-57,** Possession as presumption of unlawful use.

Belleville

1. The manufacture, storage or display for sale at retail or wholesale, or the sale at retail or wholesale of fireworks and cartridges, is hereby prohibited within the limits of the Town of Belleville, in the County of Essex.

3. The storage or display for the sale at retail or wholesale, or the sale at retail or wholesale of cartridges whether loaded or blank, is prohibited within the limits of the Town of Belleville, in the County of Essex.

7. The within ordinance shall not prohibit the sale or storage of bullets or cartridges for hunting purposes, when sold in stores that deal in sportsmen and hunting equipment.

Cresskill Borough

246-5. Purchasing or selling a firearm. Any resident of the Borough of Cresskill purchasing or selling a firearm of any description within the Borough of Cresskill shall report the same forthwith to the Chief of Police, giv-

ing a full and complete description of said firearm.

Deal Borough

5-7.3 Compliance with State Statute. No person shall possess, carry, sell, exchange, store or retain any firearm or other device * * * except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Fairlawn

12.3 Permits required. a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

12.5 General Requirements. a. The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, * * *, shall be prohibited unless such manufacture is authorized by the Chief of the Bureau of Fire Prevention. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

Glassboro

69-3. Permits required to sell or store ammunition and gunpowder. No person, firm or corporation shall sell or store gunpowder, gun shells or cartridges without having first obtained a permit from the Chief of the Fire Department, who shall inspect the place where same is to be kept.

Irvington

22-14. * * * Parents, etc., not to purchase [guns] for minors under sixteen or permit such minors to purchase, possess. * * * No parent, guardian, or person standing in loco parentis of any minor under the age of sixteen years shall purchase for such minor or shall knowingly permit such minor, who is in his care or custody, to purchase, have, hold, possess, own, * * * any of the articles or guns or devices described in section 22-13.

Kenilworth Borough

1. Except as hereinafter excepted, no person shall discharge or use any * * * shotgun or firearm of any kind, or any other missile projecting device or contrivance of any kind within the Borough of Kenilworth.

2. No parent, guardian, or person, standing in loco parentis of any minor under the age of sixteen (16) years shall purchase for such minor or shall knowingly permit such minor, who is in his or her care or custody to purchase, have, hold, possess, own, any of the articles or guns or devices described in Section 1.

Lincoln Park Borough

1. The storage and sale of fire works, gun powder and ammunition in the Borough of Lincoln Park shall be subject to the following rules and regulations:

A permit for the storage and sale of fire works, gun powder and ammunition must be obtained from the Clerk of the Borough. All such permits shall expire on the first day of January after the issuance thereof. All permits issued as aforesaid shall be exposed in a conspicuous place in the place of business of the applicant.

No blank cartridge pistol or blank cartridge shall be sold or kept in stock; no pistol or fire arm of any description shall be sold to anyone under the age of fifteen years.

Manasquan

II. No person shall possess, carry, sell, exchange, store or retain any firearm or other device * * * except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Millburn Township

Sec. 25-1-7. No person shall knowingly offer, sell, lend, lease or give to any person under the age of eighteen years any machine gun, automatic rifle, revolver, pistol or other firearm, * * *. No persons under the age of eighteen years shall purchase, barter or exchange any gun, pistol, * * * firearm, * * *.

Northfield

1. That from and after the passage of this ordinance, it shall be unlawful for any person, persons or corporation, to offer for sale, make sale of or use, any gun or guns, pistol or pistols, firearms or fireworks, of any description whatsoever, within the limits of the City of Northfield, without a special permit or license therefor.

Nutley

Section 1. No person or persons shall possess, make, throw, discharge or explode a Molotov Cocktail or other incendiary object within the limits of the Town of Nutley in Essex County, New Jersey;

Section 2. No person or persons shall at any time have in their possession or cause to be made, thrown, discharged or exploded a Molotov Cocktail or any such incendiary object;

Paulsboro Borough

35-1. Permission for use required. It shall be unlawful to sell or use within the limits of the Borough of Paulsboro, at any time, any blank cartridge, pistol or gun, cap pistol or gun, cartridge cannon, toy gun, pistol or cannon firing an explosive of any kind or character, * * *.

Piscataway

7-7-1. It shall be unlawful for any person to carry or possess a loaded gun or any firearm until licensed or authorized by State or Federal Authorities, or both.

Prospect Park Borough

136.1. That it shall be unlawful to exhibit for sale or sell any pistols, cap pistols, firearms or fireworks of any and all descriptions within the limits of the Borough of Prospect Park.

Rockaway Borough

Article III. Firearms

Sec. 32-37. Sale to be in accordance with laws. No pistol or firearm of any description shall be sold to anyone except as provided by law.

Sec. 32-38. Selling, keeping blank cartridge pistols prohibited. No blank cartridge pistol shall be sold or kept in stock in the borough.* * * * *

Sea Girt Borough

Section 3 No person shall possess, carry, sell, exchange, store or retain any firearm or other device * * * except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Section 4 The provisions of this ordinance shall not apply to the authorized use, possession and storage of firearms within the confines of the National Guard Training Cen-

ter and Supply Depot located within the borders of the Borough of Sea Girt.

Secaucus

Chapter 72

Firearms

Sec. 72-1. Sale to minors prohibited. The sale of guns, rifles, * * * to minors is hereby prohibited.

Sec. 72-2. Possession by minors unlawful. It shall be unlawful for any minor to have in his possession any gun, rifle, * * *.

* * * * *

Tenafly Borough

4. Any purchase or sale of a firearm of any description within the Borough of Tenafly shall be made in compliance with the Laws of the State of New Jersey applicable thereto.

West New York

1. That no person, firm or corporation shall sell or deliver to any person, within the Town of West New York, in the County of Hudson, any pistol, gun, revolver, firearm of any description unless such person, shall file with the seller a permit from the Mayor or the Chief of Police of the Police Department of this Town, permitting him to make such purchase.

2. No person, shall purchase a revolver, pistol, gun or firearm from any person, firm or corporation in this Town, without obtaining from the Mayor or Chief of Police of the Police Department of this Town a permit to make such sale. * * *

Winfield Township

5. An ordinance to regulate the manufacture, storage, sale keeping or conveying of gun powder, nitroglycerine, dynamite and other explosives. 1. No person, firm or corporation shall manufacture, store, sell, keep or convey gun powder, nitroglycerine, dynamite or other explosives within the limits of this Township.

6. An ordinance to regulate and prohibit the sale and use of guns, pistols, fire arms, and fire works. 1. No person, firm or corporation shall sell or use guns, pistols, fire arms or fire works within this Township without having previously obtained a permit for same from the Township authorities.

New Mexico

State Law

N.M. Stat. Ann.

40A-7-8. Firearms—Sale and purchase. Residents of states contiguous to New Mexico may purchase firearms in New Mexico. Residents of New Mexico may purchase firearms in states contiguous to New Mexico.

Alamagordo

5-6-4. Transactions with minors. It shall be the responsibility of each person or firm who buys, sells or loans money on secondhand or used firearms to ascertain whether or not the person with whom the transaction is consummated is a minor under the age of twenty-one (21) years and to report to the Chief of Police of the City any transaction with such minor.

Albuquerque

2-9. Negligent Use of Weapons. A. Negligent use of a weapon consists of either: * * * 4. Selling, loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of any intoxicant or narcotic or that the person is incompetent.

2-10. Unlawful Possession, Transfer or Sale of Weapons.

* * * * *

B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Artesia

21.36. Sale of firearms to minors. No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Belen

2-9. Negligent Use of Weapons. A. Negligent use of weapon consists of either: * * * * * 4. Selling loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of any intoxicant or narcotic or that the person is incompetent. * * * * *

2-10. Unlawful Possession, Transfer or Sale of Weapons. * * * * * B. Unlawful sale of a deadly weapon consists of giving, selling, trading bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Central Village

6.206 Furnishing firearms to minors. No person shall sell, loan or furnish to any minor below the age of sixteen (16) years any gun, pistol or other firearm within the limits of the village, nor shall any person in the village sell or give to any minor below the age of sixteen (16) years any cartridges of fixed ammunition of which any fulminate is a component part.

Cloudcroft

6-1-10 Unlawful Possession, Transfer or Sale of Weapons. * * * * * B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Espanola

18. Weapons—furnishing firearms, etc., to persons under sixteen. It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, * * * in the city.

19. Same—possession of firearm by person under sixteen. It shall be unlawful for any person under sixteen years of age to have

in his possession any firearm * * * within the city, except that when such person is under the immediate supervision of an adult instructor or teacher such possession shall not be considered a violation of this section.

Farmington

Sec. 21-80. Same—Furnishing to minors. No person shall sell, lend or furnish to any minor, below the age of sixteen, any gun, pistol or other firearm, within the city. Nor shall any person in the city sell or give to any minor below the age of sixteen any cartridges of fixed ammunition of which any fulminate is a component part.

Gallup

6-4-5: Sales of Firearms to Minors Prohibited: The giving, selling, trading, bartering or exchanging for anything of value of any firearm as defined in Section 6-4-1 [shotguns, rifles, pistols] or of any ammunition for any firearm, to any person under the age of eighteen (18) years, within the corporate limits of the Municipality, is hereby prohibited and declared to be a misdemeanor; provided, however, that nothing herein contained shall be construed to prohibit any parent or legal guardian from purchasing such a weapon for his child or ward, or from giving such a weapon to his child or ward, subject to the provisions of Section 6-4-3 hereof.

Grants

6-1-58 Firearms—furnishing to minors. No person shall sell, loan or furnish to any minor below the age of sixteen any gun, pistol or other firearm within the limits of the Town, nor shall any person in the Town sell or give to any minor below the age of sixteen any explosive ammunition.

Hurley

Ordinance 2

Section 12. Selling to Minors Under 16 Years. No person shall sell, load, or furnish to any minor below the age of 16, any gun, pistol, or other firearm, within the limits of the town. Nor shall any person in the town sell or give to any minor below the age of 16, any cartridges of fixed ammunition of which any fuliminate is a component part.

La Mesilla Town

7-1-14 * * * G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Las Cruces

G. Sales to minors: It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Las Vegas

7-1-14. G. Sales to minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Los Lunas

Ordinance 86

2-9. Negligent Use of Weapons. * * * * * 4. Selling loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of any intoxicant or narcotic or that the person is incompetent.

* * * * *

2-10. Unlawful Possession, Transfer or Sale of Weapons. * * * * * B. Unlawful sale of a deadly weapon consists of giving, selling, trading bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Lovington

7-1-14. Deadly weapons. * * * * *

(e) Exposing Others to Danger. It is unlawful to * * * sell, loan or furnish any deadly weapon to persons under the influence of any intoxicant or narcotic or to any incompetent person. * * * * *

(g) Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon * * * or ammunition for any firearm to any person under the age of eighteen years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Mountainair

7-1-10 * * * B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward so long as the weapon and ammunition used by the child are used while under the supervision of the parent or legal guardian.

* * * * *

Questa

7-1-14 * * * G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

* * * * *

Raton

9.F. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon for his child or ward.

Red River

* * * * *

G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years, provided that this section shall not be construed to prevent any

parent or legal guardian from purchasing firearms or ammunition for his child or ward.

* * * * *

Ruidoso Downs

7-1-14 * * * G. Sales to Minors: It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

* * * * *

Santa Fe

15-31. Weapons—Furnishing firearms, etc., to persons under sixteen. It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, * * * within the city.

Silver City

7.206—Selling to Minors Under 16 Years. No person shall sell, loan, or furnish to any minor below the age of 16, any gun, pistol, or other firearm, within the limits of the town. Nor shall any person in the town sell or give to any minor below the age of 16, any cartridges of fixed ammunition of which any fulminate is a component part.

Taos

G. Sale to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Tatum

5.12. (g) Sales to minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of eighteen (18) years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Tucumcari

12-1-14 G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon * * *, or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

* * * * *

New York

State Law

N.Y. Consol. Laws (McKinney's)

Penal Law

265.00. Definitions. As used in this article and in article four hundred, the following terms shall mean and include:

1. "Machine-gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun.

2. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.

3. "Firearm" means any pistol, revolver, sawed-off shotgun or other firearm of a size which may be concealed upon the person, except an antique firearm.

* * * * *

6. "Dispose of" means to dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

7. "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

8. "Gunsmith" means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving or trueing, or who performs any mechanical operation on, any firearm or machine-gun.

9. "Dealer in firearms" means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any pistol or revolver.

10. "Licensing officer" means in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk the sheriff of that county except in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown, the commissioner of police of that county; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance.

* * * * *

11. "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

12. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

["Antique Firearm"] Any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.

15. "Loaded firearm" means any firearm loaded with ammunition or any firearm which is possessed by one who, at the same time, possesses a quantity of ammunition which may be used to discharge such firearm.

15-a. "Electronic dart gun" means any device designed primarily as a weapon, the purpose of which is to momentarily stun, knock out or paralyze a person by passing an electrical shock to such person by means of a dart or projectile.

16. "Certified not suitable to possess a rifle or shotgun" means that the director or physician in charge of any hospital or institution for mental illness, public or private, has certified to the superintendent of state police or to any organized police department of a county, city, town or village of this state, that a person who has been judicially adjudicated incompetent, or who has been confined to such institution for mental illness pursuant to judicial authority, is not suitable to possess a rifle or shotgun.

* * * * *

Sec. 265.01 Criminal possession of a weapon in the fourth degree. A person is guilty of criminal possession of a weapon in the fourth degree when:

(1) He possesses any firearm, electronic dart gun * * * or

(2) He possesses any * * * imitation pistol or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or

(3) He knowingly has in his possession a rifle, shotgun or firearm in or upon a building or grounds, used for educational purposes, of any school, college or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, without the written authorization of such educational institution; or

(4) He possesses a rifle or shotgun and has been convicted of a felony or serious offense; or

(5) He possesses any dangerous or deadly weapon and is not a citizen of the United States; or

(6) He is a person who has been certified not suitable to possess a rifle or shotgun, as defined in subdivision sixteen of section 265.00, and refuses to yield possession of such rifle or shotgun upon the demand of a police officer. Whenever a person is certified not suitable to possess a rifle or shotgun, a member of the police department to which such certification is made, or of the state police, shall forthwith seize any rifle or shotgun possessed by such person. A rifle or shotgun seized as herein provided shall not be destroyed, but shall be delivered to the headquarters of such police department, or state police, and there retained until the aforesaid certificate has been rescinded by the director or physician in charge, or other disposition of such rifle or shotgun has been ordered or authorized by a court of competent jurisdiction.

Criminal possession of a weapon in the fourth degree is a class A misdemeanor.

Sec. 265.02 Criminal possession of a weapon in the third degree. A person is guilty of criminal possession of a weapon in the third degree when:

(1) He commits the crime of criminal possession of a weapon in the fourth degree as defined in subdivision one, two, three or five of section 265.01, and has been previously convicted of any crime; or

(2) He possesses any explosive or incendiary bomb, bombshell, firearm silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use; or

(3) He knowingly has in his possession a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm; or

(4) He possesses any loaded firearm. Such possession shall not, except as provided in subdivision one, constitute a violation of this section if such possession takes place in such person's home or place of business.

Criminal possession of a weapon in the third degree is a class D felony.

Sec. 265.03 Criminal possession of a weapon in the second degree. A person is guilty of criminal possession of a weapon in the second degree when he possesses a machine-gun or loaded firearm with intent to use the same unlawfully against another.

Criminal possession of a weapon in the second degree is a class C felony.

Sec. 265.04 Criminal possession of a dangerous weapon in the first degree. A person is guilty of criminal possession of a dangerous weapon in the first degree when he possesses any explosive substance with intent to use the same unlawfully against the person or property of another.

Criminal possession of a weapon in the first degree is a class B felony.

Sec. 265.05 Unlawful possession of weapons by persons under sixteen. It shall be unlawful for any person under the age of sixteen to possess * * * any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, * * *.

A person who violates the provisions of this section shall be adjudged a juvenile delinquent.

Sec. 265.10 Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances. 1. Any person who manufactures or causes to be manufactured any machine-gun is guilty of a class D felony. * * *

2. Any person who transports or ships any machine-gun or firearm silencer is guilty of a class D felony. Any person who transports or ships as merchandise any firearm * * * is guilty of a class A misdemeanor.

3. Any person who disposes of any machine-gun or firearm silencer is guilty of a class D felony. Any person who knowingly buys, receives, disposes of, or conceals a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm is guilty of a class D felony.

4. Any person who disposes of any of the weapons, instruments or appliances specified in subdivision one of section 265.01 is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

5. Any person who disposes of any of the weapons, instruments, appliances or substances specified in subdivision four of section 265.05 to any other person under the age of sixteen years is guilty of a class A misdemeanor.

6. Any person who wilfully defaces any machine-gun or firearm is guilty of a class D felony.

7. Any person, other than a wholesale dealer, or gunsmith or dealer in firearms duly licensed pursuant to section 400.00, lawfully in possession of a firearm, who disposes of the same without first notifying in writing the licensing officer in the city of New York and counties of Nassau and Suffolk and elsewhere in the state the executive department, division of state police, Albany, is guilty of a class A misdemeanor.

Sec. 265.15 Presumptions of possession, unlawful intent and defacement.

1. The presence in any room, dwelling, structure or vehicle of any machine-gun is presumptive evidence of its unlawful possession by all persons occupying the place where such machine-gun is found.

2. The presence in any stolen vehicle of any weapon, instrument, appliance or substance specified in sections 265.01, 265.02, 265.03, 265.04 and 265.05 is presumptive evidence of its possession by all persons occupying such vehicle at the time such weapon, instrument, appliance or substance is found.

3. The presence in an automobile, other than a stolen one or a public omnibus, of any firearm, defaced firearm, firearm silencer, explosive or incendiary bomb, bombshell, * * * is presumptive evidence of its possession by all persons occupying such automobile at the time such weapon, instrument or appliance is found, except under the following circumstances: (a) if such weapon, instrument or appliance is found upon the person of one of the occupants therein; (b) if such weapon, instrument or appliance is found in an automobile which is being operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver; or (c) if the weapon so found is a pistol or revolver and one of the occupants, not present under duress, has in his possession a valid license to have and carry concealed the same.

4. The possession by any person of the substance as specified in section 265.04 is presumptive evidence of possessing such substance with intent to use the same unlawfully against the person or property of another if such person is not licensed or otherwise authorized to possess such substance. The possession by any person of any * * * weapon, instrument, appliance, or substance designed, made or adapted for use primarily as a weapon, is presumptive evidence of intent to use the same unlawfully against another.

5. The possession by any person of a defaced machine-gun or firearm is presumptive evidence that such person defaced the same.

Sec. 265.20 Exemptions. a. Sections 265.01, 265.02, 265.03, 265.04, 265.05, 265.10, 265.15 and 270.05 shall not apply to:

1. Possession of any of the weapons, instruments, appliances or substances specified in

sections 265.01, 265.02, 265.03, 265.04, 265.05 and 270.05 by the following:

(a) Persons in the military service of the state of New York when duly authorized by regulations issued by the chief of staff to the governor to possess the same, members of the division of state police, and peace officers as defined in subdivision thirty-three of section 1.20 of the criminal procedure law and persons appointed as railroad policemen pursuant to section eighty-eight of the railroad law.

(b) Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

(c) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

(d) A person voluntarily surrendering such weapon, instrument, appliance or substance, provided that such surrender shall be made to the sheriff of the county in which such person resides and in the county of Nassau to the commissioner of police or a member of the police department thereof designated by him, or if such person resides in a city having a population of seventy-five thousand or more to the police commissioner or head of the police force or department, or to a member of the force or department designated by such commissioner or head; and provided, further, that the same shall be surrendered by such person only after he gives notice in writing to the appropriate authority, stating his name, address, the nature of the weapon to be surrendered, and the approximate time of day and the place where such surrender shall take place. Such notice shall be acknowledged immediately upon receipt thereof by such authority. Nothing in this paragraph shall be construed as granting immunity from prosecution for any crime or offense except that of unlawful possession of such weapons, instruments, appliances or substances surrendered as herein provided. A person who possesses any such weapon, instrument, appliance or substance as an executor or administrator or any other lawful possessor of such property of a decedent may continue to possess such property for a period not over fifteen days. If such property is not lawfully disposed of within such period the possessor shall deliver it to an appropriate official described in this paragraph or such property may be delivered to the superintendent of state police. Such officer shall hold it and shall thereafter deliver it on the written request of such executor, administrator or other lawful possessor of such property to a named person, provided such named person is licensed to or is otherwise lawfully permitted to possess the same. If no request to deliver the property is received within two years of the delivery of such property to such official he shall dispose of it in accordance with the provisions of section 400.05 of the penal law.

2. Possession of a machine-gun, firearm, * * * by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of a crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00; provided, that such a license shall not preclude a conviction for the offense defined in subdivision three of section 265.01.

4. Possession of a rifle, shotgun or longbow for use while hunting, trapping or fishing, by a person, not a citizen of the United States, carrying a valid license issued pursuant to section 11-0713 of the environmental conservation law.

5. Possession of a rifle or shotgun by a person who has been convicted as specified in subdivision four of section 265.01 to whom a certificate of good conduct has been issued pursuant to section two hundred forty-two, subdivision three of the executive law.

* * * * *

7. Possession, at an indoor or outdoor rifle range for the purpose of loading and firing the same, of a rifle of not more than twenty-two calibre rim fire, the propelling force of which may be either gunpowder, air or springs, by a person under sixteen years of age but not under twelve, who is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as a part of its facilities, or having written permission to use, such rifle range under the supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state.

8. The manufacturer of machine-guns * * * as merchandise and the disposal and shipment thereof direct to a regularly constituted or appointed state or municipal police department, sheriff, policeman or other peace officer, or to a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, or to the military service of this state or of the United States.

9. The regular and ordinary transport of firearms as merchandise, provided that the person transporting such firearms, where he knows or has reasonable means of ascertaining what he is transporting, notifies in writing the police commissioner, police chief or other law enforcement officer performing such functions at the place of delivery, of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by such police commissioner, police chief or other law enforcement officer as such official may deem necessary for investigation as to whether the consignee may lawfully receive and possess such firearms.

10. Engaging in the business of gunsmith or dealer in firearms by a person to whom a valid license therefor has been issued pursuant to section 400.00.

11. Possession of a pistol or revolver by a police officer or sworn peace officer of another state while conducting official business within the state of New York.

b. At any time, any person who voluntarily delivers to a peace officer any weapon, instrument, appliance or substance specified in section 265.01, 265.02, 265.03, 265.04 or 265.05, under circumstances not suspicious, peculiar or involving the commission of any crime, shall not be arrested. Instead, the officer who might make the arrest shall issue or cause to be issued in a proper case a summons or other legal process to the person for investigation of the source of the weapon, instrument, appliance or substance.

* * * * *

265.40. * * * It shall be lawful for a person or persons residing in this state to purchase or otherwise obtain a rifle and/or shotgun in a contiguous state, and to receive or transport such rifle and/or shotgun into this state; provided, however, such person is otherwise eligible to possess a rifle and/or shotgun under the laws of this state.

Article 400—Licensing And Other Provisions Relating To Firearms

Sec. 400.00 Licenses to carry, possess, repair and dispose of firearms.

1. Eligibility. No license shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) of good moral character; (b) who has not been convicted anywhere of a felony or a serious offense; (c) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and (d) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United

States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

* * * * *

N. Y. Consol. Laws (McKinney's)

Village Law

89. General powers of the board of trustees. 58. Firearms and explosives. May prohibit, restrain, regulate and license the storage, sale or discharge of firearms, fireworks and other explosives and the explosion of gun powder and gun cotton.

Babylon

Sec. 1. No person shall offer, sell, loan, lease or give to any child under the age of sixteen years any gun, revolver, pistol or other firearm, * * * or any instrument or weapon commonly known as a toy pistol, or a blank gun or any type of gun, pistol, cannon or instrument simulating a weapon in or upon which any loaded or blank cartridge, powder and ball are used or may be used, or any loaded or blank cartridge, powder or ammunition therefor.

It shall be unlawful for any child under the age of sixteen years to have in his possession or to use any of the articles, instruments or weapons enumerated in this section.

Sec. 2. No person over the age of sixteen years shall have in his possession any gun, revolver, pistol or other firearm, * * * without having procured a permit to possess the same from such official, agency or department as the Board of Trustees may from time to time by resolution designate.

Buffalo

12.01. Definition. "Small arms ammunition" shall mean any shotgun, rifle, pistol or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns. "Small arms ammunition primer" shall mean a small percussion-sensitive explosive charge, encased in a cap, used to ignite propellant powder.

12.02. License Required for the Possession and Sale of Fixed Ammunition for Small Arms. No person, firm or corporation shall store, keep for sale or offer for sale any fixed ammunition for small arms without a license from the director of licenses and permits of the city of Buffalo upon the approval of the bureau of fire prevention at wholesale or retail. The said license shall expire on December thirty-first of each year following the date of issuance. * * *

12.03. Manufacture of Small Arms Ammunition Within the City Is Prohibited. No person shall manufacture within the limits of the city, any fixed ammunition for small arms. Exception: Hand loading of small arms ammunition prepared for personal use when not for resale.

12.04. Hand Loading of Small Arms Ammunition. No person shall engage in the hand loading of small arms ammunition except for private personal use only and not for resale. A reloading of small arms ammunition shall be limited to the use of sporting or smokeless powder. An amount not in excess of five pounds and in the original container may be kept in a building without storing such powder in a magazine. An amount not in excess of ten pounds stored in a magazine and one thousand small arms primers packed in approved ICC containers may be kept in a building. Smoking while handling powder is prohibited. Storage of powder shall be inaccessible to children.

The hand loading of small arms ammunition is hereby prohibited in all buildings classified as multiple dwellings or multiple housing by the division or rehabilitation and conservation.

Cedarhurst

Sec. 11-4. Firearms, firecrackers, explosives. * * * (b) Sale, delivery prohibited; exception. No person or corporation shall at any time sell, expose for sale or give away any loaded cartridges, blank cartridges, percussion-caps * * * except to licensed holders of firearms and except shells for firearms. not requiring a license.

Churchville

Chapter 2-A Within the Village of Churchville no person or corporation shall, without a license: Sec. 1. Store, sell or discharge firearms, fireworks or other explosives.

* * * * *

Hastings on Hudson

Chapter 25
Article I

Sec. 25-2. Sale of fireworks, firearms, ammunition. It shall be unlawful for any person to sell or offer for sale within the village any blank cartridges, pistol, cannon, firecracker, torpedo canes for firing ammunition, or any ammunition commonly known as "cartrack ammunition," and any and all kinds, within the said village.

* * * * *

Hempstead

6-57. Permits for sale of ammunition. (a) Required: issuance. Permits for the sale and storage of ammunition may be granted in the discretion of the village board. Application shall be made in writing to the village clerk; * * * Such permit shall apply only to the premises and persons stated and to the class and kind of ammunition mentioned therein and shall be subject to such conditions and restrictions as the board may prescribe.

Kings Point

Ordinance 8

* * * * *

Sec. 2. No person, firm or corporation shall in the Village of Kings Point sell, expose for sale, or give away, any loaded cartridges, blank cartridges * * * or any other explosive materials of any description, without first obtaining a permit from the Village Clerk.

* * * * *

Kingston

Sec. 11.11 Manufacture Prohibited. It shall be unlawful to manufacture small arms ammunition in The City of Kingston.

Sec. 11.13 Storage and Sale of Small Arms Ammunition. (a) Permit required. It shall be unlawful to store, sell or offer for sale any small ammunition without first having obtained a permit therefor from the Fire Chief.

Mount Vernon

Sec. 78-15. Prohibition Against Fire Bombs or "Molotov Cocktails". (a) Prohibition: No person or organization shall assemble, manufacture, produce, distribute, store or possess fire bombs or "Molotov Cocktails" or any similar devices which employ the use of gasoline or any other flammable or combustible substance.

(b) Fire Bomb or "Molotov Cocktail" defined: A glass or other breakable or collapsible portable container in which is contained gasoline or other flammable or combustible liquid with a wick attached thereto, which upon impact will burn, explode or ignite.

New York City

436-5.0. Firearms. a. Pistols or revolvers, keeping or carrying. 1. The commissioner

shall grant and issue licenses and permits hereunder pursuant to the provisions of Article four hundred of the penal law. Unless they indicate otherwise, such licenses and permits shall expire on the first day of the second January after the date of issuance.

2. Every applicant for a license to carry or possess a pistol or revolver in the city shall pay therefor, a fee of thirty dollars for each original application for the license period or part thereof, a fee of twenty dollars for each renewal application, and a fee of ten dollars for each replacement application of a lost license. A fee of ten dollars shall be paid for each renewal license that is issued for a period of one year or part thereof.

436-6.0. Control and regulation of the disposition, purchase and possession of firearms, rifles and shotguns. Definitions. Whenever used in this chapter the following terms shall mean and include:

1. "Firearm." Any pistol, revolver, sawed-off shotgun, rifle or other firearm of a size which may be concealed upon the person.

2. "Rifle." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

3. "Shotgun." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell, to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

4. "Gunsmith." Any person, firm, partnership, corporation, or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving, or trueing, or who in the course of such business performs any mechanical operation on any rifle, shotgun, firearm or machine gun.

5. "Dealer in firearms." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any pistol or revolver or other firearms which may be concealed upon the person. Dealer in firearms shall not include a wholesale dealer.

6. "Dealer in rifles and shotguns." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any rifle, or shotgun. Dealer in rifles and shotguns shall not include a wholesale dealer.

7. "Ammunition." Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shot gun or other dangerous weapon.

8. "Dispose of." To dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

9. "Deface." To remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

10. "Commissioner." The police commissioner of the city of New York.

11. "Control Board." The firearms control board as established in section 436-6.2.

12. "Appeals Board." The rifle and shotgun purchase and possession permit appeals board as established in section 436-6.7.

13. "Permit." The permit for purchase and possession of rifles and shotguns issued by the control board.

14. "Certificate." The certificate of registration for possession of rifles and shotguns.

15. "Mental defective." Any person affected with mental defectiveness from birth or from an early age to such an extent that he is incapable of managing himself and his affairs, who for his own welfare or the welfare of others or of the community requires supervision, control or care, and who is not mentally ill or of unsound mind to such an extent as to require his certification to an institution for the mentally ill.

436-6.1 Licensing of gunsmiths, of wholesale manufacturer of firearms, of assemblers of firearms, or of dealers in firearms. a. It shall be unlawful for any person to engage in the business of gunsmith, wholesale manufacturer of firearms, assembler of firearms, or of dealer in firearms, unless such person, firm, partnership, corporation or company has obtained a license in the manner prescribed in this section.

b. No license shall be issued or renewed pursuant to this section except by the commissioner, and then only after investigation and finding that all statements in a proper application for a license or renewal are true. No license shall be issued or renewed except for any applicant:

(1) of good moral character;

(2) who has not been convicted anywhere of a felony or of any of the following misdemeanors or offenses: * * *

(3) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and

(4) concerning whom no good cause exists for the denial of the license.

c. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city. * * *

k. The conviction of a licensee anywhere of a felony or any of the misdemeanors or offenses enumerated in paragraph two, of subdivision b, of this section, shall operate as a revocation of the license. * * *

436-6.3. Licensing of dealers in rifles and shotguns. No person shall engage in the business of purchasing, selling, licensing, or in any manner disposing of shotguns or rifles unless he has been issued a permit for the purchase and possession of shotguns and rifles, and prominently displays in his place of business a license as a registered dealer in shotguns and rifles. * * *

436-6.6 Permits for possession and purchase of rifles and shotguns. It shall be unlawful to dispose of any rifle or shotgun to any person unless said person is the holder of a permit for possession and purchase of rifles and shotguns; it shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a permit for the possession and purchase of rifles and shotguns.

The disposition of a rifle or shotgun, by any licensed dealer, to any person presenting a valid rifle and shotgun permit issued to such person, shall be conclusive proof of the legality of such disposition by the dealer.

a. Requirements—No person of good character and who is of good repute in the community and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase and possess a rifle or shotgun unless the applicant:

1. is under the age of eighteen, or

2. has been convicted in this state or elsewhere of a felony or any misdemeanor or offense set forth in section 552 of the code of criminal procedure, unless such person has received a certificate of good conduct pursuant to subdivision 3 of section 242 of the executive law, or

3. has ever been confined to any hospital or institution, public or private, for mental illness, alcoholism, drug addiction, except where such person has a written statement by a physician duly licensed to practice medicine in the state of New York and specializing in psychiatric medicine, that the applicant is a sound person to possess a rifle or shotgun without danger of harm to himself or any other person, or

4. suffers from a physical defect or sickness which088wouldhake it unsafe for him to handle firearms, rifles or shotguns except where such person has a written statement from a physician duly licensed to practice medicine in the state of New York, or other satisfactory proof, that he is no longer suffering from a disability in such a manner that it would interfere with or incapacitate him in the handling of a rifle or shotgun, or

5. is a mental defective, or

6. is a habitual drunkard, or

7. has been adjudicated mentally incompetent and with respect to whom such adjudication remains outstanding, or

8. is addicted to narcotic drugs, or

9. has received a dishonorable discharge from the military service of the United States by reason of an action found constituting a felony or a misdemeanor or offense set forth in section 552 of the code of criminal procedure; or

10. Where the issuance of a permit to such a person would not be in the interests of public health, safety or welfare.

f. Validity—Any person to whom a rifle and shotgun permit has been validly issued pursuant to this chapter may possess a rifle or shotgun. No permit shall be transferred to any other person. Every person carrying a rifle or shotgun shall have on his person a permit which shall be exhibited for inspection to any police officer upon demand. Failure of any such person to so exhibit his permit shall be presumptive evidence that he is not duly authorized to possess a rifle or shotgun and the same may be considered by the control board as cause for forfeit of such permit. A permit shall be valid for three (3) years and shall be subject to automatic renewal, upon sworn application, and without investigation, unless the control board has reason to believe that the status of the applicant has changed since the previous application.

h. Non-residents.—Non-residents of the city of New York may apply for a rifle or shotgun permit subject to the same conditions, regulations and requirements as residents of the city of New York.

A non-resident of the city of New York who has not been issued a permit may nevertheless, purchase a rifle or shotgun from a licensed dealer provided that:

1. He subscribes and affirms or swears to a written statement that he does not suffer from any of the disabilities set forth in subdivision a. of this section which would prohibit him from receiving a permit if he were a resident of the city of New York, and that he would be legally permitted to purchase a rifle or shotgun in the city or state in which he resides.

2. The rifle or shotgun so purchased is transmitted by the dealer directly to the purchaser's residence.

3. In the event the purchaser is traveling to another country by rail, ship or plane, the dealer is hereby authorized to deliver such rifle or shotgun at the appropriate terminal to a representative of the railroad, airline or shipping company, for placement aboard such train, plane or ship.

436-6.9. Certificates of registration. a. It shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a certificate of registration for such rifle or shotgun. It shall be unlawful for any person, not a licensed dealer, to dispose of any rifle or shotgun for which he does not have a certificate of registration.

e. Disposition of rifles and shotguns—No person lawfully in possession of a rifle or shotgun shall dispose of same except to a licensed dealer in firearms, licensed dealer in rifles and shotguns, the holder of a valid rifle and shotgun permit, or to an exempt person as enumerated in this chapter.

Any person so disposing of a rifle or shotgun shall report the disposition on forms provided by the control board setting forth the rifle and shotgun permit number of both seller and purchaser, the make, caliber, type, model and serial number, if any, and if the seller is a licensed dealer the certificate of registration number, of all such rifles and shotguns. Such form shall be signed by both seller and purchaser and the original shall be forwarded to the control board within seventy-two hours of the disposition, one copy shall be retained by the seller, another by the purchaser.

1—If the seller is a licensed dealer, he shall at the time of the sale issue a certificate of registration to the purchaser provided to the dealer for that purpose by the control board and shall forward to the control board the duplicate thereof, together with the report of disposition.

2—If the seller is not a licensed dealer the control board shall, if the purchaser's rifle permit is valid, issue the certificate of registration within ten days of the receipt by the control board of the report of disposition. Pending receipt of the certificate, but in no event for any longer than fourteen days from the date of purchase, the copy of the report of disposition shall serve in lieu of the purchaser's certificate of registration.

436-6.10. Exemptions. The sections requiring rifle and shotgun permits and certificates shall not apply as follows:

a. Minors. Any person under the age of eighteen years may carry, fire, or use any rifle or shotgun in the actual presence or under the direct supervision of any person who is himself a holder of a rifle or shotgun permit, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision or for the purpose of competition or target practice in and upon a firing range approved by the commissioner or any other governmental agency authorized to provide such approval, or the national rifle association, which is under competent supervision at the time of such competition or target practice, and providing that the rifle or shotgun is otherwise properly registered or exempt from registration by virtue of some other provision of this chapter.

b. Antiques and ornaments. The provisions of this chapter shall not apply to antique rifles and shotguns which are incapable of being fired or discharged or which do not fire fixed ammunition, or those weapons manufactured prior to 1894 and those weapons whose design was patented and whose commercial manufacture commenced prior to 1894 and whose manufacture continued after 1894 without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and are possessed as curiosities or ornaments or for their historical significance and value.

c. Persons in the military service in the state of New York, when duly authorized by regulations issued by the chief of staff to the governor to possess the same, and police officers, and other peace officers.

d. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

e. Persons employed—in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

Any such person exempted by sections c, d and e above, may purchase a rifle or shotgun only from a licensed dealer, and must submit to the dealer full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, and military or other official identification. Any dealer who disposes of a rifle or shotgun to any exempt person without securing such identification shall be in violation of these sections.

g. The regular and ordinary transport of rifles and shotguns as merchandise provided that the person transporting such rifles and shotguns where he knows or has reasonable means of ascertaining what he is transporting notifies, in writing, the control board of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by the control board as it may deem necessary for investigation as to whether the consignee may lawfully receive and possess such rifles and shotguns.

j. Nothing herein contained shall be construed to be a prohibition of the conduct of business by manufacturers, wholesale dealers, interstate shippers, or any other individuals or firms properly licensed by the federal government.

k. Special theatrical permit. Nothing herein contained is intended to prevent the possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer in the pursuance of his profession, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued by the control board without the requirements for fingerprinting and investigation set forth for rifle and shotgun permits.

436-6.11. Sale and purchase of ammunition. At any time after one year from the

effective date of this section no ammunition suitable for use in a rifle of any caliber or for any shotgun shall be sold or given away, or otherwise disposed of to any person who has not been issued a rifle and shotgun permit and a certificate of registration and who does not exhibit same to the dealer at the time of purchase. In no event shall rifle or shotgun ammunition be sold to any such person except for a shotgun, or for the specific caliber of rifle, for which the certificate of registration has been issued.

A record shall be kept by the dealer of each sale or any other disposition of ammunition under this section which shall show the type and quantity of ammunition sold, the name and address of the person receiving same, the date and time of the transaction, and the numbers of the permit and certificate exhibited as required by this section.

436-6.13. Identifying marks. a. Defacing. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number of a rifle or shotgun shall be in violation of this section.

b. Any rifle or shotgun sold or otherwise disposed of by a licensed dealer, at any time after six months of the effective date of this act, which does not contain a manufacturer's or serial number, must have imbedded into the metal portion of such rifle or shotgun a dealer's number. Failure to so mark and identify any rifle or shotgun shall be a violation of this section.

C19-38.0. Storage and sale. a. Permit. It shall be unlawful to store, sell or offer for sale any ammunition in excess of two hundred small arm cartridges without a permit.

Pelham Manor

20—Firearms (a) It shall be unlawful for any person without proper license issued under the laws of the State of New York to possess or carry any pistol, revolver, sawed-off shotgun or other firearms as defined in Section 1 of this Code of General Ordinances of a size which may be concealed upon the person except in the case of any person who is specifically exempt from the State licensing provisions under the laws of the State of New York.

Rochester

47-5. Rifles, guns, revolvers and dangerous instruments. A. No person shall sell, loan, lease, give or offer to any child under eighteen years of age, or to any other person to whom a permit has not been issued by the Commissioner of Public Safety, any revolver, pistol or instrument which may be used as a weapon in which the propelling force is compressed air, compressed gas, a spring or any elastic substance and which releases darts, pellets, bullets, metallic particles or other materials capable of endangering life or property, or causing bodily injury, or any instrument commonly known as a blank gun in which any loaded or blank cartridge or ammunition is or may be used. No person shall make such sale, loan, lease, gift, transfer or offer, unless the person acquiring the item or items above named exhibits to him a permit issued by the Commissioner of Public Safety and produces identification that that person acquiring said item or items is the same person to whom the permit has been issued.

No person shall sell, loan, lease, give or offer to any child under eighteen years of age any loaded or blank cartridges or ammunition commonly used in the said type of revolver, pistol, gun or instrument which may be used as a weapon, described in this section.

Saddle Rock Village

Ordinance 10

* * * * *

Section 2. No person, firm or corporation shall keep, store, sell, expose for sale or give away any loaded cartridges, blank cartridges, caps, percussion caps, * * * without first obtaining a permit from the Board of Trustees of the Village of Saddle Rock.

* * * * *

Scarsdale

* * * * *

C. Weapons. No person shall sell, purchase, use, carry or transport any firearm, rifle, shot gun, pistol, machine gun, cannon, revolver, zip gun, * * * incendiary missile, Molotov cocktail, bomb, * * * hand grenade, * * * unless in the performance of his official duties and qualified auxiliary policemen activated in accordance with law shall be included in those who are in the performance of their official duties. * * *

* * * * *

Suffolk County

Local law No. 7

* * * * *

Section 2. Definitions. (a) The term "firearm" means any handgun (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, including: a pistol; a revolver; an automatic; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or the trigger, barrel or cylinder of any such weapon.

(b) The term "manufacturer" means any person engaged in the manufacture of any firearm, or the assembly of any firearm for the purposes of sale or distribution; and the term "licensed manufacturer" means any such person licensed under the provisions of this local law.

(c) The terms "person", "applicant" and "whoever" include any individual, corporation, company, association, firm, partnership, society or joint stock company.

(d) The term "Commissioner" shall mean the Commissioner of the Suffolk County Police Department, or such member of the Department as the Commissioner may designate to handle the licenses authorized by this local law.

Section 3. Prohibited Conduct. It shall be unlawful for any person to manufacture or assemble any firearm within the confines of Suffolk County without having first obtained a written license from the Commissioner of the Suffolk County Police Department, as hereinafter prescribed.

Section 4. License Requirements * * * (a) No person shall engage in business as a firearms manufacturer in Suffolk County until he has filed an application with, and received a license to do so from, the Commissioner of the Suffolk County Police Department. The application shall be in such form and contain such information as the Commissioner shall by regulation prescribe * * * (Contact the Office of the Commissioner for additional information; the license fee is $500.00 a year)* * * * *

(c) Any application submitted hereunder shall be disapproved and the license denied and the fee returned to the applicant, if the Commissioner, after notice and opportunity for hearing, finds that (the applicant is not qualified to receive a license to manufacture firearms; contact the office of the commissioner for information on the categories in Section 4(c) under which an application would be denied)

Section 5. Business Location. (a) Every person licensed pursuant to this local law shall maintain a place of business in Suffolk County, and shall have on hand for inspection by any Police Officer, a complete record of every firearm manufactured, * * * [Contact the office of the commissioner for required contents under Section 5 (a)]

Town of Orangetown

Section 15-78. Permits Required. A. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of * * * small-arms ammunition.

Thomaston

Ordinance 22

Second: No person, firm or corporation shall sell, expose for sale or give away any

loaded cartridges, blank cartridges, caps, percussion caps, fuse or electric blasting caps, dynamite, fire-crackers or other fireworks or any other explosive materials of any description without first obtaining a permit from the Village Board of the Village of Thomaston.

* * * * *

Utica

16-4. **Fireworks, firearms, pyrotechnics.** (a) **Definitions.** (2) "Small arms ammunition" whenever used in this section, shall be held to mean any shotgun, rifle, pistol, or revolver cartridges.

(b) **Sale, manufacture, delivery, use.** No person shall manufacture, cause to be manufactured, store, handle, transport, sell, keep for sale, offer, give, dispose of, or discharge any firearms except as provided in the Penal Code, nor any pyrotechnics or small arms ammunition within the city without permission from the common council or written permission from the commissioner of public safety, or the mayor.

White Plains

11.10—Definitions. "Small Arms Ammunition" shall mean any shotgun, rifle, pistol or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. * * *

11.11 Manufacture Prohibited. It shall be unlawful to manufacture small arms ammunition in The City of White Plains.

11.13 Storage and Sale of Small Arms Ammunition. (a) Permit required. It shall be unlawful to store, sell or offer for sale any small arms ammunition without first having obtained a permit therefor from the Commissioner. * * *

North Carolina

State Law

The Gen. Stat. of N.C.

14-288.8. **Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions.** (a) Except as otherwise provided in this section, it is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any weapon of mass death and destruction.

(b) This section does not apply to:

(1) Persons exempted from the provisions of Sec. 14-269 with respect to any activities lawfully engaged in while carrying out their duties.

(2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the United States or the State of North Carolina, while lawfully engaged in activities authorized under their licenses.

(3) Persons under contract with the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts.

(4) Inventors, designers, ordnance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge knowledge or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina.

(c) The term "weapon of mass death and destruction" includes:

(1) Any explosive, incendiary, poison gas or radioactive material:

a. Bomb; or

b. Grenade; or

c. Rocket having a propellant charge of more than four ounces; or

d. Missile having an explosive or incendiary charge of more than one-quarter ounce; or

e. Mine; or

f. Device similar to any of the devices described above; or

(2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or

(3) Any semiautomatic firearm capable of firing 31 rounds or more without reloading, any firearm capable of fully automatic fire, any shotgun with a barrel of less than 18 inches in length or an overall length of less than 26 inches; or

(4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled. * * * The term "weapon of mass death and destruction" does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in accordance with chapter 44 of Title 18 of the United States Code. * * * * *

Sec. 14-315. Selling or giving weapons to minors. If any person shall knowingly sell, offer for sale, give or in any way dispose of to a minor any pistol or pistol cartridge, * * * he shall be guilty of a misdemeanor.

Article 52A.

Sale of Weapons in Certain Counties.

Sec. 14.402. Sale of certain weapons without permit forbidden. It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the sheriff of the county in which such purchase, sale, or transfer is intended to be made, any pistol, so-called pump gun, * * *.

"Antique firearm" as defined by G.S. 14-409.11, and "historic edged weapon" as defined by G.S. 14-409.12, are hereby excepted from the provisions of this section.

Sec. 14-404. Applicant must be of good moral character; weapon for defense of home; sheriff's fee. Before the sheriff shall issue any such license or permit he shall fully satisfy himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation requires the possession of the weapon mentioned for protection of the home. If said sheriff shall not be so fully satisfied, he shall refuse to issue said license or permit: Provided that nothing in this article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms. The sheriff shall charge for his services upon issuing such license or permit a fee of fifty cents.

Sec. 14-407.1. Sale of blank cartridge pistols. The provisions of G.S. 14-402 and G.S. 14-405 to 14-407 shall apply to the sale of pistols suitable for firing blank cartridges. The clerks of the superior courts of all the counties of this State are authorized and may

in their discretion issue to any person, firm or corporation, in any such county, a license or permit to purchase or receive any pistol suitable for firing blank cartridges from any person, firm or corporation offering to sell or dispose of the same, which said permit shall be in substantially the following form: [form deleted]

Sec. 14-409. Machine guns and other like weapons. It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shotguns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or submachine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the sheriff of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five hundred ($500.00) dollars, or imprisoned for not less than six months, or both, in the discretion of the court.

Article 53.

Sale of Weapons in Certain Other Counties.

Sec. 14-409.1. Sale of certain weapons without permit forbidden. It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the clerk of the superior court of the county in which such purchase, sale or transfer in intended to be made, any pistol, * * *.

Sec. 14-409.3. Applicant must be of good moral character; weapon for defense of home; clerk's fee. Before the clerk of the superior court shall issue any such license or permit he shall fully satisfy himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm or corporation requires the possession of the weapon mentioned for protection of the home. If said clerk shall not be so fully satisfied, he shall refuse to issue said license or permit: Provided, that nothing in this article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms. The clerk shall charge for his services upon issuing such license or permit a fee of fifty cents.

Sec. 14-409.7. Sale of blank cartridge pistols. The provisions of G. S. 14-409.1 and G. S. 14-409.4 to 14-409.6 shall apply to the sale of pistols suitable for firing blank cartridges. The clerks of the superior courts of all the counties of this State are authorized and may in their discretion issue to any person, firm or corporation, in any such county, a license or permit to purchase or receive any pistol suitable for firing blank cartridges from any person, firm or corporation offering to sell or dispose of the same, which said permit shall be in substantially the following form: [form deleted]

Sec. 14-409.9. Machine guns and other like weapons. It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the clerk of the superior court of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shotguns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or submachine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the clerk of the superior court of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five hundred ($500.00) dollars, or imprisoned for not less than six months, or both, in the discretion of the court.

Sec. 14-409.10. Purchase of rifles and shotguns out of State. It shall be lawful for citizens of this State to purchase rifles and shotguns and ammunition therefor in states contiguous to this State.

Sec. 14-409.11. "Antique firearm" defined. The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Sec. 14-415.1. Possession of firearms, etc., by felon prohibited. (a) It shall be unlawful for any person who has been convicted of any crime set out in subsection (b) of this section to purchase, own, possess, or have in his custody, care, or control any handgun or other firearm with a barrel length of less than 18 inches or an overall length of less than 26 inches, or any weapon of mass death and destruction as defined in G.S. 14-288.8(c), within five years from the date of such conviction, or the unconditional discharge from a correctional institution, or termination of a suspended sentence, probation, or parole upon such conviction, whichever is later.

Every person violating the provisions of this section shall be guilty of a felony and shall be imprisoned for not more than 10 years in the State prison or shall be fined an amount not exceeding five thousand dollars ($5,000).

Sec. 14-415.2. Exemption where citizenship restored. Any person whose citizenship is restored under the provisions of Chapter 13 of the General Statutes, any comparable State or federal statute, shall thereafter be exempted from the provisions of G.S. 14-415.1

Sec. 105-80. **Dealers in pistols, etc.** (a) Every person, firm, or corporation who is engaged in the business of keeping in stock, selling, and/or offering for sale any of the articles or commodities enumerated in this section, shall apply for and obtain a State license from the Commissioner of Revenue for the privilege of conducting such business * * *.

* * * * *

Ahoskie

Section 8-22. Firebombs (a) Definitions. For the purposes of this Section, the following terms shall have the meanings herein ascribed:

(1) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Firebombs" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) **Prohibited Acts.** No person or persons shall manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) **Possession of Materials Restricted.** No person or group of persons shall possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Charlotte

11-18(246a). Pistols, dealers in pistols, etc. License required of dealers in pistols and/or metallic pistol cartridges or cartridges used in pistols.

Elizabeth City

6-3.1. Public safety. I: It shall be unlawful for any merchant within the City of Elizabeth City to engage in the business of selling or exchanging pistols without being licensed by the City Council of the City of Elizabeth City to engage in such business.

II: A new section shall be added to such ordinance, designated as Section III.1, reading as follows: All employees of a licensed merchant who are authorized to make a sale of pistols shall apply to the Chief of Police on a form to be prepared by him for a license to sell pistols as an employee of a licensed merchant and such application shall be passed upon by the City Council and if approved, a license shall be granted. It shall be unlawful for any employee of a licensed merchant to engage in the sale of pistols without being first licensed in accordance with the above provisions.

Franklinton

Section 1. Definitions: For the purpose of this ordinance, the following terms shall have the meanings herein ascribed:

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty it contents, which is filled with an inflammable fluid substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

Section 2. Prohibited Acts. It shall be unlawful for any person or persons to manufacture, possess, transport, or use any Molotov Cocktail or other firebomb.

Section 3. Possession of Materials Restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

High Point

Licenses

(131) Weapons, Dealer in. (Every person who is engaged in the business of keeping in stock, selling, and/or offering for sale any pistols, blank cartridge pistols, or metallic cartridges, must apply for and obtain from the city collector a license and pay the required tax)

Lenoir

Sec. 10-15.1. Fire bombs, Molotov Cocktails, etc. (a) Definitions. For the purposes of this section the following terms shall have the meanings herein ascribed:

(1) **Firebomb.** Any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(2) **Molotov Cocktail.** Any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, filled with inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) **Prohibited acts.** It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) **Possession of materials restricted.** It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs other than on his or their premises.

Micro

Ordinance 22

* * * * *

Section 1 Any person having in his possession any Molotov cocktail or other fire bombs of any kind or material for manufacturing any fire bomb shall be subject to a fine * * * or confinement.

* * * * *

New Bern

Sec. 15-5. Possession of incendiary devices and materials. (a) For the purposes of this section, the following terms shall have the meanings ascribed to them:

(1) **Firebomb** shall mean any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(2) **Molotov cocktail** shall mean any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) It shall be unlawful for any person to manufacture, possess, transport or use any molotov cocktail or other firebomb.

(c) It shall be unlawful for any person to possess all the items or materials needed to manufacture molotov cocktails or other firebombs, other than on his premises.

Newton Grove

Section 11.15. Fire bombs prohibited. (a) For the purpose of this section, the following terms shall have the meanings herein ascribed:

(1) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises. The provisions of this section shall be cumulative and in addition to any other ordinance or General Statute of North Carolina on this subject.

Ocean Isle Beach

Now, therefore, be it further resolved that the following gun control law be adopted by the Town Council of the Town of Ocean Isle Beach.

(a) No person with the exception of a law enforcement officer shall have in his possession either concealed or otherwise, a firearm, by way of illustration and not by way of limitation specifically including shotgun, rifle, handgun, sawed-off shotgun, or any other like firearm in any public place within the Town limits of the Town of Ocean Isle Beach.

* * * * *

Pineville

Sec. 16-41. Definitions. For the purpose of this division, the following terms shall have the meanings herein ascribed:

Firebomb. Any type of object designed or constructed so that upon being propelled, it will explode or ignite at its area of impact.

Molotov Cocktail. Any breakable container or any container which is designed in such a manner that upon being propelled, it will upon impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

Sec. 16-42. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

Sec. 16-43. Possession of materials restricted. It shall be unlawful for any person to possess all the items of materials needed to manufacture Molotov Cocktails or other firebombs, other than on his own premises.

Shelby

(1) "Molotov cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Fire bomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) Manufacture, possession, transportation, or use. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov cocktail or other fire bomb.

(c) Possession of materials restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov cocktails or other fire bombs, other than on his or their premises.

Snow Hill

Offenses and Miscellaneous Provisions

* * * * *

Sec. 14-22. Molotov cocktails and other firebombs—Prohibited. It shall be unlawful for any person to manufacture, possess, or transport or use any Molotov cocktail or other firebomb.

Sec. 14-23. Same—Definitions. For the purpose of this chapter, the following terms shall have the meanings herein ascribed:

Molotov Cocktail is defined as any breakable container which is designed in such a manner that upon being propelled it will on impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

Firebomb is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

* * * * *

Southern Pines

Sec. 9-21. Definitions. For the purposes of this article, the following terms shall have the meanings herein ascribed:

(a) Molotov Cocktail. "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) Firebomb. "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

Sec. 9-22. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

Warsaw

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. Possession of materials restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Williamston

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. Possession of material restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

North Dakota

State Law

N. D. Century Code

62-01-01. "Pistol" defined. "Pistol" as used in this chapter means any firearm having a barrel less than twelve inches long.

62-01-04. Who not to possess pistols. The following persons shall not own a pistol or have one in their possession or under their control:

1. A person who has been convicted any-

where within the last ten years of any of the crimes of murder, manslaughter, robbery, burglary, kidnaping, arson, extortion, mayhem, forcible rape, unlawful entry, and any assault except simple assault and battery or any other crime involving the use of or possession of a pistol.

2. A person who is under the age of seventeen years or who is a drug addict, an alcoholic, or who is emotionally unstable.

62-01-06. License to carry weapon—Who may issue. A license to carry a pistol within this state may be issued by a sheriff upon application submitted to the sheriff of the county wherein the applicant has residence. If the applicant is a resident of a city within such county, the sheriff shall immediately notify in writing the chief of police of that city regarding the application. The chief of police of that city shall inform the sheriff in writing of his rejection or approval of the application.

62-01-09. Regulation of sales of pistols. No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or

2. Be one of the persons exempted under the provisions of section 62-01-05.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol, the caliber, make, model, and manufacturer's number of the pistol, and the number of the license possessed by the person obtaining the pistol.

This section shall not apply to purchase by licensed retailers from manufacturers, wholesalers, or jobbers, or to purchase by wholesalers or jobbers from manufacturers.

* * * * *

62-01-11. Selling pistol to minors prohibited—Penalty. Any person who shall sell, barter, hire, lend, or give any pistol to any minor under the age of seventeen years shall be guilty of a class A misdemeanor.

62-01-12. Prohibited transfers. No person shall deliver a pistol to any person if he has reasonable cause to believe that person is prohibited by law from possessing a pistol. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any person may lend a pistol for not more than thirty days to any person who holds a license to carry a pistol. A person not a licensed retailer shall not sell or give away a pistol without complying with the provisions of section 62-01-09.

62-01-13. Dealer's license required. Before any retail dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol, he must be licensed by the federal government and, in cities requiring such license, by the duly constituted licensing authorities of such city.

62-01-14. Dealer's licenses—By whom granted and conditions thereof Any city may provide by ordinance for the licensing of retail dealers in pistols. If such license is required, it shall be effective for not more than one year from the date of issue, and shall permit the licensee to sell pistols at retail within the said city. If such licenses are issued, they shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture: * * * 4. A true record, in triplicate, shall be made of every pistol sold, said record to be made in a book kept for such purpose. Such book shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, and the name, address, and occupation of the purchaser. * * *

62-01-19. Antique pistols. This chapter shall not apply to the purchase, possession, or sale as curiosities or ornaments, of pistols more than fifty years old.

* * * * *

62-02-01. Definitions. The term "machine gun, submachine gun, or automatic rifle" as used in this chapter shall mean and include a weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.

62-02-02. License required. No person shall purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases unless he has a license permitting him to purchase, sell, have, or possess such weapon.

62-02-04. License—Application—Who issues. An application for a license to purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases shall be made to the judge of the district court of the county in which the applicant is a resident.

* * * * *

62-02-07. Persons exempt from provisions of this chapter. The provisions of this chapter shall not apply to the following persons:

1. The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases;

2. Officers and members of a duly authorized military organization;

3. Officers and members of the police force of any municipality or sheriffs, deputy sheriffs, or other officers having police powers under the laws of this state.

62-04-01. Use and sale of "silencer" prohibited—Penalty. Any person who sells, offers for sale, or uses any device for or attachment to any firearm which will silence or deaden the sound or natural report of the weapon when it is discharged shall be guilty of a class A misdemeanor. The use of any such device by a member of the national guard or of the regular army, on any rifle range in this state under the supervision of a commissioned officer shall not be a violation of this section.

62-05-02. Resident may purchase rifle or shotgun in contiguous state. It shall be lawful for a person residing in this state, including a corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state, and to receive or transport such rifle or shotgun into this state.

62-05-03. Federal firearms licensees—Not applicable to. This chapter shall not apply or be construed to affect in any way the purchase, receipt, or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers, or collectors.

Barney

* * * * *

3-106 Manfacture, Use or Sale of Certain Firearms * * * Prohibited No person shall manufacture, use, sell, offer for sale, or keep any blank cartridge pistols, blank cartridges, revolvers, or other blank cartridge firearms, * * *. The sale or use of such of these items as are not prohibited by state law will be permitted under such rules and regulations as the Village Board may establish.

* * * * *

Bowman

4.0401 Firearms not to be Furnished to Minors. It shall be unlawful for any person, firm, or corporation to sell or rent firearms to minors within the limits of this City.

* * * * *

Burlington

3. Weapons * * * e. Sales to intoxicated persons and minors. (It is unlawful to) Pur-

chase from, or sell, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

f. Records required. Every second-hand dealer, pawnbroker, or other person engaged in the sale, rental or exchange of any weapons described in sub-sections (a) and (d) above shall keep a record of each such weapon purchased, sold, rented, or exchanged at retail.

f.1. Time of recordation. The record required herein shall be made at the time of the transaction, in a book kept for that purpose, (contact local authorities for required contents) * * *

f.2. Report to chief of police. Every second-hand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any weapons described in subsections (a) and (d) above shall deliver daily reports to the Chief of Police of every such purchase, sale, loan, or gift. The report shall be on forms provided by the Chief of Police and shall set forth the name in full, the residence, age and physical description.

* * * * *

Fargo

25-2701. "Pistol" defined. The term "pistol" as used in this article means any firearm having a barrel less than twelve inches long.

25-2702. License to sell pistols required—Expiration of license. No person, firm, or corporation shall sell, trade, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, trade, or transfer any pistol without first obtaining a license to sell pistols as herein provided. All licenses granted under the provisions of this article shall expire at the expiration of the calendar year in which issued.

25-2705. Regulation of sales of pistols by dealer or individuals. No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or
2. Be one of the persons exempted under the provisions of section 62-01-05 of the North Dakota Century Code.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate [contact local authorities for required contents.] * * * * *

Grafton

Ordinance 135.

Section 1. Definitions: 1. Retail Dealer shall be any person, firm or corporation purchasing pistols for resale.

2. Pistols shall be any firearm having a barrel less than twelve (12) inches long.

3. Purchaser shall be any person, firm or corporation obtaining a pistol either by purchase or gift, or by any other means, from a retail dealer.

Section 2. No retail dealer in pistols shall sell a pistol within the City limits of the City of Grafton before he has obtained a license from the City.

Section 3. Any license issued in accordance with this Ordinance shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture; * * * * *

3. No pistol shall be delivered:

a. On the day of the application for the purchase;

b. Unless the purchaser either is personally known to the seller, or shall present clear evidence of his identity; nor

c. Unless the purchaser shall exhibit a license to carry a pistol issued in his name; nor

d. Unless the Chief of Police shall have been notified at least twenty-four (24) hours before delivery of a pistol of the name of the prospective purchaser and the caliber of the pistol intended to be sold.

4. A true record, in triplicate, shall be made of every pistol sold, said record to be made in a book kept for such purpose. Such book shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, [contact local authorities for required contents] * * *

Hatton

This municipality has adopted North Dakota State firearms laws.

Jamestown

* * * * *

Sec. 22-47. Weapons—Possession by minors under fifteen. No parent, guardian or other person having charge or custody of any minor child under fifteen years of age shall permit such child to carry or use in public any gun or firearm of any description, except when such child is in the company and under the direct control of such parent, guardian, or other person authorized by the parent or guardian.

* * * * *

Mandan

6-0401. Firearms not to be furnished to minors. It shall be unlawful for any person, firm or corporation to sell or rent firearms to minors within the limits of the city of Mandan.

6-0403. Blank cartridges, pistols, etc.; manufacture, use, and sale of. No person shall manufacture, use, sell, or keep for sale within the city of Mandan any blank cartridges, pistols, blank cartridge revolver, or other blank cartridge firearms, blank cartridge caps containing dynamite, or firecrackers exceeding three inches in length and exceeding one-half of an inch in diameter.

* * * * *

7-0226. Records of Weapon Sales Required. Every second-hand dealer, pawnbroker or other person engaged in the sale, rental or exchange of any weapons described in sections 7-0219 and 7-0224 above shall keep a record of each such weapon purchased, sold, rented or exchanged at retail. The record required herein shall be made at the time of the transaction, in a book kept for that purpose, and shall include (those entries required by local authorities; contact them for information on record requirements listed in 7-0226) * * * Every second-hand dealer, pawnbroker or other person engaged in the sale, rental or exchange of any weapons described in Sections 7-0219 and 7-0224 above shall deliver daily reports to the chief of police of every such purchase, sale, loan or gift.

* * * * *

Mclean County

This municipality has adopted North Dakota State firearms laws.

Minot

Sec. 23-124. Sales to intoxicated persons and minors. No person in the city shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of twenty-one (21) years.

Stanton

Section 16-0703 The following persons shall not own a pistol or have one in their

possession or under their control within the jurisdictional limits of the City of Stanton; 1. Any person who has been convicted anywhere within the last ten years of any crime classified as a felony; 2. A person who is under the age of 17 years, or who is a drug addict, an alcoholic, or who is emotionally unstable.

Surrey

This municipality has adopted North Dakota State firearms laws.

Valley City

8-9. Pistol defined. The term "pistol" means any firearm having a barrel less than twelve inches long.

8-11. License—Required; term. No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol without first obtaining a license as provided in this article. All licenses granted under the provisions of this article shall expire at the expiration of one year from the date of issue.

8-12. Same—Qualifications. No person may obtain a retail dealer's pistol license within the city without first being licensed by the federal government to sell pistols and exhibiting such federal license to the city auditor, and unless the applicant is a resident of the city.

8-13. Weapons—Conditions of issuance. (c) No pistol shall be delivered:

(1) On the day of the application for the purchase.

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

(3) Unless the purchaser shall exhibit a license to carry a pistol

Velva

14-13 4. Sales to Intoxicated Persons and Minors. Purchase from, or sell, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

* * * * *

Washburn

This municipality has adopted North Dakota State firearms laws.

Ohio

State Law

Ohio Revised Code

2923.11 Definitions. As used in sections 2923.11 to 2923.24 of the Revised Code:

(A) "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(B) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(C) "Handgun" means any firearm designed to be fired while being held in one hand.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried, or used as a firearm.

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(J) "Dangerous ordnance" means any of the following, except as provided in division (K) of this section:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(K) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (K) (3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and

lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (A) (4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

2923.13 Having weapons while under disability. (A) Unless relieved from disability as provided in section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

(1) Such person is a fugitive from justice;

(2) Such person is under indictment for or has been convicted of any felony of violence, or has been adjudged a juvenile delinquent for commission of any such felony;

(3) Such person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse, or has been adjudged a juvenile delinquent for commission of any such offense;

(4) Such person is drug dependent or in danger of drug dependence, or is a chronic alcoholic;

(5) Such person is under adjudication of mental incompetence.

(B) Whoever violates this section is guilty of having weapons while under disability, a felony of the fourth degree.

2923.14 Relief from disability. (A) Any person who, solely by reason of his disability under division (A) (2) or (3) of section 2923.13 of the Revised Code, is prohibited from acquiring, having, carrying, or using firearms, may apply to the court of common pleas in the county where he resides for relief from such prohibition.

(B) The application shall recite the following:

(1) All indictments, convictions, or adjudications upon which the applicant's disability is based, the sentence imposed and served, and probation, parole, or partial or conditional pardon granted, or other disposition of each case;

(2) Facts showing the applicant to be a fit subject for relief under this section.

(C) A copy of the application shall be served on the county prosecutor, who shall cause the matter to be investigated, and shall raise before the court such objections to granting relief as the investigation reveals.

(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:

(1) The applicant has been fully discharged from imprisonment, probation, and parole, or, if he is under indictment, has been released on bail or recognizance;

(2) The applicant has led a law-abiding life since his discharge or release, and appears likely to continue to do so;

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.

(F) Relief from disability granted pursuant to this section:

(1) Applies only with respect to indictments, convictions, or adjudications recited in the application;

(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;

(3) Does not apply with respect to dangerous ordnance;

(4) May be revoked by the court at any time for good cause shown and upon notice to the applicant;

(5) Is automatically void upon commission by the applicant of any offense embraced by division (A) (2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A) (1), (4), or (5) of such section.

2923.17 Unlawful possession of dangerous ordnance. (A) No person shall knowingly acquire, have, carry, or use any dangerous ordnance.

(B) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(3) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen, and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to section 2923.18 of the Revised Code, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purposes and in the manner specified in such license or permit.

(C) Whoever violates this section is guilty of unlawful possession of dangerous ordnance, a misdemeanor of the first degree.

2923.18 License or permit to possess dangerous ordnance. (A) Upon application to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business, and upon payment of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators, and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried, or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried, or used for agricultural purposes as defined in section 3743.01 of the Revised Code;

(3) Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried, or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried, or used by any such person while acting within the scope of his duties;

(5) In the discretion of the issuing authority, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, industrial, or other proper purpose.

(B) Application for a license or temporary permit under this section shall be in writing under oath to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business. The application shall be accompanied by an application fee of fifty dollars when the application is for a license, and an application fee of five dollars when the application is for a temporary permit. The fees shall be paid into the general revenue fund of the county or municipality. The application shall contain the following information:

(1) The name, age, address, occupation, and business address of the applicant, if he is a natural person, or the name, address, and principal place of business of the applicant, if the applicant is a corporation;

(2) A description of the dangerous ordnance for which a permit is requested;

(3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used;

(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used;

(5) Such other information as the issuing authority may require in giving effect to this section.

(C) Upon investigation, the issuing authority shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.

(D) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage, or use of the dangerous ordnance as the issuing authority considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(E) A temporary permit shall be issued for the casual use of explosives and explosive devices, and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance, or for any non-consumable dangerous ordnance, which license need not specify an expiration date, but the issuing authority may specify such expiration date, not earlier than one year from the date of issuance, as it considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(F) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the state. The holder of a license may use such dangerous ordnance anywhere in the state. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the issuing authority.

(G) The issuing authority shall forward to the state fire marshall a copy of each license or temporary permit issued pursuant to this section, and a copy of each record of a transaction in dangerous ordnance and of each report of lost or stolen dangerous ordnance, given to the local law enforcement authority as required by divisions (A) (4) and (5) of section 2923.20 of the Revised Code. The state fire marshall shall keep a permanent file of all licenses and temporary permits issued pursuant to this section, and of all records of transactions in, and losses or thefts of dangerous ordnance forwarded by local law enforcement authorities pursuant to this section.

* * * * *

2923.20 Unlawful transactions in weapons. (A) No person shall: (1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section; *****

(4) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(5) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of division (A) (1) or (2) of this section is a felony of the fourth degree. Violation of division *** (4) of this section is a misdemeanor of the second degree. Violation of division (A) (5) of this section is a misdemeanor of the fourth degree.

2923.21 Improperly furnishing firearms to a minor.

(A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

(B) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.

2923.22 Permitted interstate transactions in firearms. (A) Any resident of Ohio age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or any applicable law of another state or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia.

(B) Any resident of Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia, age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or the laws of his domicile or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Ohio.

(C) Any purchase and sale pursuant to this section shall be for such purposes and under such circumstances and upon such conditions as are prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922 (b) (3), and any amendments or additions thereto or reenactments thereof.

Editor's Note

A number of the Ohio municipalities included herein have incorporated portions of the Ohio State law directly into their municipal ordinances. In these instances, the ordinance language is identical to the corresponding portion of the State law.

To avoid undue repetition of State law language, listings for municipalities falling within this category contain only municipal codification references, followed by either the words "same as" or "adopts," and the corresponding State law citations. The reader can then refer to the appropriate portion of the State law.

In the case of Akron, for example, Section 672.01 of the municipal ordinances would contain the same language as Section 2923.11 of the Ohio State law.

Ada

60-25. Section 31. Sale of firearms to minors. No person shall sell, barter, furnish, or

give to a minor under the age of seventeen years * * * rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor * * *

Akron

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.

672.13 Certain Handguns Prohibited. No person shall possess, sell, transfer, give, deliver or furnish a handgun having a retail value of $50.00 or less and having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other non-homogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit, either assembled or disassembled.

* * * * *

C. For purposes of this section, "handgun" shall mean a firearm having a barrel and firing mechanism designed to eject or propel a projectile by the action of any explosive or combustible propellant, and having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include inoperable firearms which cannot be rendered operable, or handguns designed and safe only for use with black powder.

864.01 Definitions. As used in this chapter:

(a) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but does not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition.

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(d) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

864.02 Possession restricted. (a) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard, shall possess a firearm within the City.

(b) No person under the age of eighteen years shall possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(c) No person shall sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in subsection (b) hereof.

864.03 Removal of Serial Numbers. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

864.05 Sales, transfers * * * (a) No manufacturer or dealer, except a manufacturer or dealer having a license issued, under the provisions of this chapter, shall sell any firearm at wholesale or retail.

(b) No person shall sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard.

(c) When delivered, all pistols must be securely wrapped and must be unloaded.

* * * * *

864.09 Obtaining weapons by theft or fraud. No person shall procure or attempt to procure any firearm, regardless of dollar value, by theft, fraud, violence or threat of violence.

864.10(b) **same as** 2923.20(A) (4).
864.10(c) **same as** 2923.20(A) (5).
864.11 **same as** 2923.21(A).

Alliance

549.01**same as** 2923.11
549.05 **same as** 2923.17
549.07 **same as** 2923.18

Section 789. It shall be unlawful for any person to buy, purchase or obtain in exchange any revolver, pistol, * * * without first having obtained a permit from the chief of police to make such purchase or exchange.

Amberley Village

Sec. 134.07. Improperly Furnishing Firearms to a Minor. (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Amelia

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Amherst

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Andover

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **same as** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.10 **same as** 2923.21.

Ashland

587.01 **same as** 2923.11.
587.06(A) (2) **same as** 2923.20(A) (4).
587.06(A) (3) **same as** 2923.20(A) (5).
587.07 **same as** 2923.21.

Ashtabula

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

551.01 Definitions. As used in this chapter, certain words are defined as follows:

(a) "Firearm" has the same meaning as defined in Section 549.01(b).

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

551.02 Nonserialized Pistols. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

551.03 Manufacturer's and Dealers' Licenses; Fee and Term. Application for a manufacturer's or dealer's license shall be made to the Police Chief on forms prescribed and furnished by the City. [Contact local authorities for requirements.] * * *

Athens

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an

air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Aurora

672.01 **same as** 2923.11
672.05 **same as** 2923.17
672.07 **same as** 2923.18
672.09(a) (2) **same as** 2923.20(A) (4)
672.10 **same as** 2923.21

672.15 **(b)License Required.** Every firearms dealer in the City shall procure a license to engage in such business. Any firearm dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

Avon

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Avon Lake

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Barberton

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **same as** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Bay Village

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Beachwood

626.01 Definitions. (a) "Chief of Police" means the Chief of Police of the City, or his duly authorized agents.

* * * * *

(c) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(d) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(e) "Firearms dealer" means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect.

(g) "Resident" means any person who has a place of residence within the limits of the City.

(h) "Nonresident" means any person who does not have a place of residence within the limits of the City.

(i) "Minor" means any person under the age of twenty-one years.

626.03 Prohibitions. (a) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition, if such person is a fugitive from justice or is, at that time, under court adjudication for mental incompetence, or has been committed to a mental institution, hospitalized or has received hospital treatment for any mental disorder, alcoholism or narcotic addiction within the previous ten years, unless a doctor indicates, in writing, that such person is completely recovered and sufficiently stable to own or possess a firearm or ammunition.

(b) No person shall purchase, receive, have on or about his person or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug or stimulants as defined by Title 21 of the United States Code, Section 321 (v), known as the Drug Abuse Control Amendments of 1965 effective February 1, 1966.

(c) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition if such person has been convicted of a felony involving the use or threat of use of force or violence against the person of another under the laws of this City, the State of Ohio or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person or using such firearms or ammunition.

626.05 Identification card required. (a) No person shall purchase, own, possess, receive, have on or about his person or use any handgun unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person has been issued a dealer's license pursuant to Section 626.07, or unless such person is exempt from the requirements of an identification card pursuant to Section 626.06.

* * * * *

626.06 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 626.05 do not apply to the purchase, ownership, possession, receipt, having on or about the person or use of any handgun or handgun ammunition by:

(1) Any state or the United States, or any political subdivision, department or agency of either.

(2) Officers or agents of any state or the United States, or any political subdivision, department or agency of either; members of the organized militia of any state, or the Armed Forces of the United States; or law enforcement officers of any political subdivision to the extent that the official duties of any such persons require them to purchase, own, possess, receive, carry or use handguns.

(3) Licensed dealers of handguns, and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of handguns is in the ordinary course of business.

(4) Nonresidents of the City who are residents of the State, provided that such persons are not prohibited by the provisions of Sec-

tions 626.03 and 626.05, and possess and exhibit upon request, such valid permit, authorization or identification issued by the chief of police or the sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun; * * *

The requirements of a valid permit, authorization or identification as required by this subparagraph shall not apply to a nonresident who enters the City with firearms for the sole and only purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subparagraph shall be valid for thirty days only from the date thereof.

(5) Nonresidents of the City, moving to the City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into the City for such purpose, provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun.

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, handguns and their agents, to the extent that the ownership, possession, receipt or having on or about the person of business and in conformity with the laws of this State or the United States.

(9) Residents of the City who acquire, by purchase or otherwise, a handgun or handguns during a period not exceeding thirty days from such purchase or acquisition.

(b) No person shall purchase, or otherwise obtain, or attempt to purchase or otherwise obtain, any handgun by claiming an exemption pursuant to this section from the requirement of a handgun owner's identification card contained in Section 626.05, knowing such claim of exemption to be false.

626.07 Dealer's license. (a) Every firearms dealer in the City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each separate permanent location. Application for such license shall be made to the Chief of Police.

* * * * *

(c) No person, firm or corporation shall engage in business as a firearms dealer in this City without a license as provided by this section. * * *

626.11 Further prohibitions; sales; purchases; transfers. (a) No person shall, in the City, purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 626.05, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.06.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 626.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.06.

* * * * *

Bedford

* * * * *

672.17 Weapons dealers; license required. (a) No person in the City shall sell, transfer, give away or otherwise dispose of any pistol, revolver or other firearm, having a barrel not more than twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, * * * without first securing a license from the Chief of Police.

* * * * *

672.19 Report of gift or sale. (a) Every person who is permitted to deal in the deadly weapons described in Section 672.17 shall make out and deliver to the Chief of Police, once a month on the last day of the month, a legible and correct report of every sale or gift made under authority of such license during the preceding calendar month, which report shall contain the date of such sale or gift, the name of the purchaser or donor, with his or her address and age, the number, kind, description and price of such weapon, the number of the purchaser's permit and the purposes given by such person for the purchase of such weapon, which report shall be substantially in the following form: Number of permit; Number of weapon; Name of purchaser; Address of purchaser; Age of purchaser; Kind or description of weapon; For what purpose purchased; Price.

672.21 Limitation on purchase, sale and transfer. (a) No person shall purchase or acquire by gift or transfer any of the weapons mentioned in Section 672.17 who:

(1) Is under twenty-one years of age;

(2) Is a fugitive from justice or is at the time under court adjudication of mental incompetence;

(3) Refuses or neglects to give the necessary information required in any application he is required to prepare;

(4) Has been convicted of the illegal use or possesion of narcotics;

(5) Is, at the time of his application, under the influence of alcohol or any other dangerous drug or narcotic;

(6) Has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect; provided, however, that such person shall have eligibility restored after ten years have elapsed from the date of completion of any sentence, probationary period or parole; or

(7) Has been convicted of more than one misdemeanor involving the use of force and violence or threats of the use of force and violence against another person within one year prior to his application.

(b) It shall be the duty of the seller of the aforesaid weapons, as a condition of his license, to obtain the information required by Section 672.19 in affidavit form and to have such form signed and sworn to before a notary public by the purchaser on three copies, one to be delivered to the purchaser at the time of sale, the second to be delivered to the Chief of Police as required by Section 672.19 and the third to be kept by the seller for a period of not less than six months.

(c) It shall be the duty of the seller of the aforesaid weapons, as a condition of his license, to display a copy of Sections 672.17 through 672.21 in a conspicuous place.

(d) No holder of a license as required by Section 672.17 shall sell one of the weapons named in Section 672.17 without first obtaining the information in proper affidavit form as required herein. Failure to comply with this section shall be grounds for revocation of the license.

(e) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 698.02.

Section 547.14 Certain Handguns Prohibited. No person shall possess, sell, transfer, give, deliver or furnish a handgun having a retail value of $90.00 or less and having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit, either assembled or disassembled and

having a gross weight of less than 19 ounces as originally manufactured.

A. Such handguns are hereby declared to be illegal contraband, which may be confiscated and destroyed by the Police Division.

B. Whoever violates the provisions of this section is guilty of a misdemeanor of the first degree.

C. For purposes of this section, "handgun" shall mean a firearm having a barrel and firing mechanism designed to eject or propel a projectile by the action of an explosive or combustible propellant, and having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include inoperable firearms which cannot be rendered operable, or handguns designed and safe only for use with black powder.

Bellaire

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Bellbrook

This municipality has adopted Ohio State firearms laws.

Bellefontaine

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Bellevue

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Belpre

Sec. 131.08 **Improperly furnishing firearms to a minor.** (A) No person shall: (1) Sell any firearm to a person under age 18; (2) Sell any handgun to a person under age

(3) Furnish any firearm to a person under age 18, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

Berea

945.01 **same as** 2923.11.
945.05 **same as** 2923.17.
945.07(A) (2) **same as** 2923.20(A) (4).
945.07(A) (3) **same as** 2923.20(A) (5).
945.08 **same as** 2923.21.

Berkey

Sec. 38.10 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Bexley

Section 1. License to sell firearms. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, or give away to any person, within the city, any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, nor shall any person, firm or corporation doing business as a pawn broker, sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license so to do as hereinafter provided, and no person, firm or corporation, having secured such a license, shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Mayor to purchase, acquire, redeem or remove such weapon in the manner hereinafter provided.

Section 5. Permit to purchase. It shall be unlawful for any person to purchase, or redeem, or remove from deposit or pledge, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without first securing from the Mayor a permit so to do. Before any such permit is granted an application in writing shall be made therefor [contact local authorities for required contents] * * *. * * *no recommendation shall be required where the application is by a United States marshal, a sheriff or the chief of police of the city of Bexley, and that in case the application is by deputy United States marshal, or a deputy sheriff, the approval of his chief officer shall be sufficient recommendation, and in case the application is by a regular or special police officer of the city of Bexley, the approval of the chief of police shall be sufficient recommendation, and in case of any of the officers aforesaid the fee provided by section 6 shall not be required.

* * * * *

13-101 **same as** 2923.11
13-106(A) (2) **same as** 2923.20(A) (4)
13-107 **same as** 2923.21

Bloomdale Village

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Blue Ash

Sec. 91.05 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Section 1533.13 of the Revised Code.

Sec. 91.06 Possession of firearms for instruction purposes. Section 91.05 or any other section of the Revised Code does not prohibit or render it unlawful to possess, use, or furnish for use, a rifle or other suitable firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use, and care of firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor, provided that the giving of such instruction and training is sponsored and supervised by an organization or association, which has been and continues to be, approved for this purpose by the adjutant general or provided that said instructor is the parent of the person receiving such instruction.

* * * * *

Bowling Green

511.01 **same as** 2923.11.
511.06(2) **same as** 2923.20(A) (4).
511.07 **same as** 2923.21.

Bradner

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Bremen

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Brewster

73.1 same as 2923.11

73.5 Failure to secure dangerous ordinance. (A) No person, in acquiring, possessing, carrying, or using any dangerous ordnance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person; * * * * *

73.6 same as 2923.21(A)

Brooklyn

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Brookville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (4).
672.10 same as 2923.21.

Brunswick

517.06(A) (1) same as 2923.21(A) (1)
517.06(A) (2) same as 2923.21(A) (2)
517.06(A) (3) same as 2923.21(A) (3)

Bryan

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Burton

512.06(a) (2) same as 2923.20(A) (4).
512.06(a) (3) same as 2923.20(A) (5).
512.07 same as 2923.21.

Cadiz

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Cambridge

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Campbell

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

134.03. Unlawful sale of weapons. (A) No person shall sell to any other person any pistol, revolver or other weapon which may be concealed upon the person without first obtaining a permit from the mayor to sell same.

Canfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Canton

527.02 Permit required to purchase or exchange. It shall be unlawful for any person to buy, purchase, or obtain in exchange, any revolver, pistol, * * * or other weapon of like character which can be concealed on the person, without first having a permit from the chief of police to make such purchase or exchange.

527.06. Selling to person without permit to purchase. It shall be unlawful for any person to sell, exchange, or offer for sale or exchange, any revolver, pistol, * * * or other weapon of like character which can be concealed on the person, except to a person who has first obtained a permit therefor from the chief of police.

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Carlisle

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Carrolton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Cecil

Sec. 38:10 Sale of explosives to minors. It shall be unlawful to sell, offer for sale, or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Centerburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Centerville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Chagrin Falls

549.01 same as 2923.11.
549.05 same as 2923.17.

549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Chardon

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Chesapeake

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Cheviot

134.13 same as 2923.21.

Chillicothe

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Cincinnati

Sec. 708-1. Aliens. No alien shall own or have in his possession or under his control a dangerous weapon.

Sec. 708-3. Minors. No person shall sell, barter, lend or give to a minor under the age of sixteen (16) years, an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, * * * or any other dangerous weapon, and no minor under the age of sixteen (16) years shall buy, barter, hire, borrow, receive or possess an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, * * * or any other dangerous weapon.

Sec. 708-7. Obliterating Identification Marks Prohibited. * * * No person shall keep in his possession or under his control any dangerous weapon upon which the name of the maker, model, manufacturer's number or other mark of identification has been to his knowledge changed, altered, removed or obliterated.

Sec. 708-9. Dealers in Weapons; License Fees. Every retail dealer in firearms, ammunition for firearms, or dangerous weapons, shall pay a license fee of two hundred thirty-four dollars and fifty cents ($234.50) per annum, and such license may be granted by the city manager upon written application of any such dealer. Where a dealer deals only in shotguns and rifles of regulation size manufactured for hunting and sporting purposes only, and the ammunition therefor, the annual license fee shall be the sum of twelve dollars and fifty cents ($12.50). * * *

Sec. 708-11. Restriction on Pawnbrokers. If a dealer licensed under the provisions of Section 708-9 carries on the business of pawnbroker or second-hand dealer, he shall not sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

Sec. 708-13. Form of Application to Purchase Dangerous Weapon. The city manager shall prescribe a form of application covering the purchase of dangerous weapons. * * *

Sec. 708-15. Restriction on Sale of Weapons. No dealer shall sell a dangerous weapon to any person, unless such person shall fill out in full and sign an application blank as provided for in Section 708-13. No dealer shall sell such weapon to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person who is personally known to him. * * *

The provisions of this section and of Section 708-13 shall not apply to sales at wholesale nor to sales of firearms which have a barrel over twelve (12) inches in length.

Sec. 708-17. Sale of Pistol Ammunition. No dealer shall sell pistol ammunition to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person with whom he is personally acquainted.

Sec. 708-31. Ammunition, Sale to Minor. No person shall sell to a minor any cap or other explosive device used in the discharge of toy pistols and torpedo canes, or any blank cartridge, whether for use in pistols, revolvers or cannons. * * *

Cleveland

Section 11.2301. Definitions.

1. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion of a rod with the receiver or slide closed, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant but does not include inoperable handguns which cannot be rendered operable, curios, relics, or antique handguns as presently or hereafter defined in Title 26, Part 178 of the Code of Federal Regulations, Commerce in Firearms.

2. "Dealer" means any person, firm or corporation engaged in the business of selling or trading handguns or handgun ammunition at wholesale or retail within the limits of the City of Cleveland, whether as the principal business of such person, firm, or corporation, or in addition thereto.

3. "Resident" means any person who has a place of residence within the limits of the City of Cleveland.

4. "Non-resident" means any person who does not have a place of residence within the limits of the City of Cleveland.

5. "Identification Card" means a Handgun Owner's Identification Card issued pursuant to Section 11.2304.

6. "Registration Card" means a Handgun Registration Card issued pursuant to Section 11.2305.

Section 11.2302. Prohibitions.

1. No person shall sell, purchase, own, possess, transfer, give, deliver, receive, or have on or about his person or use any handgun which does not contain an engraved serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated; * * *.

2. No person shall receive, or possess any handgun unless such person has an Identification Card issued to him and in effect, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 11.2306 from such requirement.

3. No person shall have on or about his person, or use any handgun unless such person has in his possession an Identification Card issued to him and in effect, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 11.2306 from such requirement.

4. No person shall deliver, transfer or furnish any handgun to any person unless the transferee exhibits at the time of transfer an Identification Card valid on its face and issued to the transferee, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 11.2306 from such requirement.

* * * * *

Section 11.2306. Exemptions.

1. The following shall be exempt from the provisions of Section 11.2302 through 11.2310 of this Ordinance except:

(A) Any state of the United States, the United States or any political subdivision, department or agency of either;

(B) An officer or agent of any state or the United States, or any political subdivision, department, or agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political subdivision, but only to the extent that his official duties require him to purchase, own, possess, receive, carry, or use handguns and not for the personal use of such individuals.

2. The requirement of an Identification Card and Registration Card contained in Sections 11.2304 and 11.2305 shall not apply:

(A) To a holder of a dealer's license issued pursuant to Section 11.2307.

(B) To a nonresident of the City of Cleveland who holds and exhibits upon request a valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of his place of residence to purchase, own, possess, receive, carry, or use any handgun. * * *

(C) To a new resident of the City of Cleveland during a period not exceeding thirty (30) days after he becomes a resident: provided, that such person shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of his former domicile to own, possess, receive, or have on or about the person any handgun, or proof of residence in a jurisdiction which does not require the same.

* * * * *

(F) To carriers, warehousemen, and others engaged in the business of transportation and/or storage and their employees to the extent that the possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States, but not for the personal use of any such person.

* * * * *

(H) To a federally licensed manufacturer of handguns.

Section 11.2307. Dealer's License. 1. Every Dealer in this City shall procure a license to engage in such business. Any Dealer engaged in such business at more than one location in this City shall procure a separate license for each such location.

* * * * *

19.13101 same as 2923.11.

19.13106. Unlawful Transactions in Weapons. (A) No person shall:

* * * * *

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 19.13105 of the General Offense Code or 2923.17 of the Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the Sheriff of the County or Safety Director or Police Chief of the municipality where the transaction takes place;

(3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control;

(4) Knowingly manufacture, possess, own, receive, purchase, possess for sale, sell, lend, give, acquire or furnish to any person any handgun of a .32 caliber or less and a barrel length less than 3 inches with said measurement in the revolver type weapon being made between the muzzle in the front edge of the cylinder, and in the automatic and other types of handguns, from the muzzle to the face of the bolt with action or slide closed. This subsection shall not apply to a law enforcement agent in this discharge of his duties, or to firearms described in Section 2923.11 (k) (1) and (5) of the Revised Code of the State of Ohio * * *.

(5) Knowingly manufacture, possess for sale, sell, lend, give, acquire, furnish, purchase, own, possess, receive, have on or about his person or use any handgun which does not contain a serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated * * *. In no case shall a person sell, transfer, give, deliver, or furnish to another a handgun which does not contain a serial number or other numerical identification or has had the serial number or other numerical identification obliterated.

* * * * *

19.13107(A) same as 2923.21.

Section 19.13108. Possession of Firearms By Minors. (A) No minor shall purchase, own, possess, receive, have on or about his person, or use any firearm except pursuant to Section 19.13107 (A) (3) of the Codified Ordinances.

* * * * *

Cleveland Heights

Weapons and Explosives

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Regulation of Firearms

551.01 Definitions. (a) "Chief of Police" means the Chief of Police of the City of Cleveland Heights or his duly authorized agents.

(b) "Encased" means enclosed in a case, container or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but does not include a holster for a pistol or revolver.

(c) "Firearm" **same as 2923.11(B)**

(d) "Handgun" **same as 2923.11(C)**

(e) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(g) "Resident" means any person who has a factual place of residence within the limits of the City.

(h) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(i) "Minor" means any person under the age of twenty-one years.

551.03 Prohibitions. (a) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug.

(b) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearms or ammunition.

551.05 Owner's identification card required; application, fee and issuance. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 551.06. * * *

(c) All identification cards issued pursuant to this section shall be entitled "City of Cleveland Heights, Ohio, Handgun Owner's Identification Card", [contact local authorities for required contents] * * *.

551.06 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 551.05 do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

(1) Any state or the United States, or any political subdivision, department or agency of either;

(2) Officers or agents of any state or the United States, or any political subdivision, department or agency of either, members of the organized militia of any state, or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry or use handguns;

(3) Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of any handgun is in the ordinary course of business;

(4) Nonresidents of the City who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 551.03 or 551.05, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun, * * *.

(5) Nonresidents of the City moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun.

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, handguns, and their agents, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States.

* * * * *

551.07 Restrictions on sales, purchases and transfers. (a) No person shall, in the City, purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 551.05, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 551.06.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 551.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 551.06. * * *

551.08 Dealer's license required; application and issuance. (a) Every firearms dealer in the City shall procure a license to engage in such business. * * *

Clifton

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Clyde

134.03. Sale of firearms to minors. (A) No person shall sell, barter, furnish or give to a minor under the age of 17 years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Columbiana

549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Columbus

545.01 License required; purchase permits. It shall be unlawful for any person to engage in the business of selling, or to sell, or to give away to any person, within the City, any pistol, revolver, * * * or other weapon of like character, which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license to do so. No person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Director of Public Safety to purchase, acquire, redeem or remove such weapon as provided by C.C. 545.05.

Commercial Point

1200.05 Sec. 1 & 2 **same as** 2923.17(A) & (B).
1200.07 Sec. 1(b) **same as** 2923.20(A) (4).
1200.07 Sec. 1(c) **same as** 2923.20(A) (5).
1200.08 Sec. 1 **same as** 2923.21(A).

Coolville

Sec. 12-106. (A) No person shall: * * * * * (2) When transferring any dangerous ordinance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordinance pursuant to Section 12-105 of the General Offense Code or 2923.17 of the Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the Sheriff of the county or Safety Director or Police Chief of the municipality where the transaction takes place; * * *

Cortland

* * * * *

2. It shall be unlawful for such non-citizen to purchase, carry or possess any firearm or other dangerous weapon and such firearms or dangerous weapon shall be delivered forthwith to the Mayor and by him impounded for a period of two years.

Coshocton

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Cuyahoga Falls

529.06(a) (2) **same as** 2923.20(A) (4).
529.06(a) (3) **same as** 2923.20(A) (5).
529.07 **same as** 2923.21.

Dayton

General Provisions

138.01 **same as** 2923.11.
138.06(A) (2) **same as** 2923.20(A) (4).
138.07 **same as** 2923.21.

Handguns

Sec. 138.10 Definitions. For the purpose of Secs. 138.10 to 138.23, the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "Handgun." Any firearm designed or modified to be fired while being held in one hand and capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellent.

(B) "Possess." To knowingly carry or have a handgun on the person or ready at hand.

(C) "Resident." Any person who has an actual place of residence in the city.

(D) "Nonresident." Any person who does not have an actual place of residence in the city.

Sec. 138.11 Handgun Owner's Identification Card Required.

(A) No person shall possess any handgun, unless such person has a handgun owner's identification card issued to him and in effect under Sec. 138.12, or is exempt from the requirement of an identification card under Sec. 138.22, or is on a suitable firing range.

(B) No person shall sell, deliver, transfer, or furnish any handgun to any person, unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee under Sec. 138.12, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card under Sec. 138.22.

(C) No person shall sell, deliver, transfer, or furnish any handgun to any person without first having notified the Director of Finance of his intention to do so not less than 5 days prior thereto. Such notification shall be in writing, and shall contain the name, home address, social security number, and handgun owner's identification card number of the intended transferee. The Director of Finance shall prescribe the form for such notification, and shall make them available upon request therefor.

(D) Every person regularly engaged in the business of selling or trading handguns at wholesale or retail whether as the principal business of such person or in addition thereto, having sold, delivered, or furnished a handgun to any person pursuant to the provisions of division (C) above, shall within 5 days thereafter, furnish to the Director of Finance the details of such transaction, including the name and address of the transferee, his handgun owner's identification card number, and a description of the handgun obtained, including the manufacturer's brand name, the caliber, and serial number.

* * * * *

(G) Whoever violates this section shall be guilty of a misdemeanor of the first degree.

* * * * *

Sec. 138.14 Persons Not Eligible for Handgun Owner's Identification Cards. A handgun owner's identification card shall not be issued to:

(A) Any person who is prohibited by R.C. Sec. 2923.13 from obtaining, possessing, carrying, or using a firearm;

(B) A person with more than one conviction within one year prior to his application for handgun owner's identification card, of any offense involving drunkenness or drug abuse;

(C) A person with a conviction of any offense involving the use of force and violence, or the threat of the use of force and violence, against the person of another.

Sec. 138.22 Persons Exempt. The requirements of a handgun owner's identification card contained in Secs. 138.10 to 138.23 do not apply to the following:

(A) The United States or any state or any political subdivision, or agency of either;

(B) Officers or agents of the United States or any state or any political subdivision, department, or agency, or members of the organized militia of any state, or the Armed Forces of the United States, or any law enforcement officer, to the extent that the official duties of any such person require him to obtain, possess, carry, or use handguns;

(C) Importers, manufacturers, and dealers licensed under Federal law, to the extent that the acquisition, possession, carriage, or use of any handgun is in the ordinary course of business;

(D) Carriers, warehousemen, and others engaged in the business of transporting or storing handguns, and their agents or employees, to the extent that possessing any handgun by such persons is in the ordinary course of business and in conformity with the laws of the State of Ohio or the United States;

(E) Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their official capacity; and their attorneys;

(F) Heirs and legatees coming into possession of any handgun through distribution of an estate and other persons other than those persons named in division (E) acquiring any handgun through operation of law, during a period not exceeding 30 days from the date of their coming into possession of such handgun;

(G) Nonresidents of the city moving to the city for the purpose of establishing residence therein, during a period not to exceed 30 days of their entry into the city for such purpose;

(H) Nonresidents of the city who enter the city for a period not to exceed 30 days with a handgun or handguns for the purpose of exhibiting or trading a handgun or handguns at a public handgun display, show, or exhibition. However, the handgun or handguns shall be unloaded at all times and must be kept encased except when at such display, show, or exhibition.

(I) Nonresidents of the city who enter the city for a period not to exceed 30 days for the purpose of participating in an organized and sanctioned handgun match; provided, that any handgun shall be unloaded and encased except while participating in such handgun match.

Sec. 138.23 Nonapplicability of Secs. 138.10 to 138.22. The provisions of Secs. 138.10 to 138.22 shall not apply to the following:

(A) Any handgun which, regardless of its actual age, is designed and safe for use only with black powder, and uses a flintlock, percussion cap, or other obsolete ignition system, or with respect to any handgun which uses fixed ammunition of a type in use prior to 1899, which ammunition is no longer commercially manufactured in the United States and is not readily available in the ordinary channels of trade;

(B) Any device used exclusively for signalling or safety and recommended by the United States Coast Guard or the Interstate Commerce Commission;

(C) Any device used exclusively for firing of stud cartridges, rivets, or nails, and designed for industrial applications;

(D) Any device used exclusively as a starter gun for the purpose of firing blank cartridges as a means of controlling sporting events, or for use in theatrical productions; provided, that such gun is so constructed as not to be readily convertible to the firing of projectiles.

Defiance

138.01 **same as** 2923.11.
138.06(A) (2) **same as** 2923.20(4).
138.07 **same as** 2923.21.

Dover

545.09 **same as** 2923.17.
545.11(a) (2) **same as** 2923.20(A) (4).
545.12 **same as** 2923.21.

East Cleveland

545.01 (a) through (k) **same as** 2923.11.

(l) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(m) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty in effect.

(n) "Resident" means any person who has a factual place of residence within the limits of the City.

(o) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(p) "Minor" means any person under the age of twenty-one years.

545.12. Prohibitions. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date or completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

545.14 Identification card required—registration of handguns required. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

* * * * *

545.15 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 545.14 of the Codified Ordinances of the City of East Cleveland do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

(4) Nonresidents of the City of East Cleveland who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Sections 545.12 or 545.14 of the Codified Ordinances of the City of East Cleveland, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff or their place of residence to purchase, own, possess, receive, carry, or use any handgun, and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a non-resident who enters the City with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this sub-section shall be valid for thirty (30) days only from the date thereof.

(5) Nonresidents of the City of East Cleveland, Ohio moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

545.16 Further prohibitions—Sales—Purchases—Transfers. (a) No person in this City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 545.14 of the Codified Ordinances of the City of East Cleveland, Ohio, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(b) No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 545.14, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(c) No person in this City shall sell, transfer, give away, or otherwise dispose of a handgun to any other person unless, within five (5) days following said sale, transfer, gift, or other dispostion, he shall report same to the Chief of Police of the City of East Cleveland, together with the manufacturer's name of said handgun, the caliber and serial number of said handgun, and if no serial number is contained thereon, an adequate description of the weapon.

545.17. Dealers license. (a) Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each such permanent location. Application for such license shall be made to the Chief of Police.

* * * * *

545.26 same as 2923.21(a).

Eastlake

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

East Palestine

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Eaton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Edgerton

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Elmwood Place

Sec. 134.06 Sale of firearms to minors. (A) No person shall sell, barter, furnish or give to a minor under the age of 17 years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or con-

trol thereof, knowingly permit it to be used by a minor under such age.

Elyria

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

757.01. Permit required for purchases. No person shall purchase in the City any pistol, revolver, * * * or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

* * * * *

757.05. Sales to persons without permits. No person shall sell to any person within the City any pistol, revolver * * * or other weapon of like character which can be concealed on the person unless the person to whom such weapon is sold presents to such person selling the same a permit properly signed by the Chief of Police, and such sale shall be unlawful unless made within fifteen days from the date of the signing of such permit by the Chief of Police, and such sale shall be unlawful unless such person makes and files a report of such sale with the Chief of Police * * *.

Evendale Village

529.02 same as 2923.21.
545.01(a) (2) same as 2923.20(A) (4).

Euclid

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Fairfax

Section I. Every dealer in firearms and ammunition for firearms in the business of selling arms to the ultimate user or consumer, shall pay a license fee of $100.00 per annum, payable on the first day of January of each year hereafter, and such license shall be granted by the Chief of Police if he is satisfied that the applicant is of good repute in the conduct of such business, and that the conduct of such business will not be detrimental to the public safety and welfare. Where a dealer deals only in shotguns and rifles of regulation size, manufactured for hunting and sporting purposes only, and the ammunition therefor, the annual license fee shall be $25.00.

* * * * *

Section III. It shall be unlawful for any dealer to sell firearms to any person at retail, unless such person shall fill out and sign an application blank in triplicate, as provided for in Section II, and unless such dealer is either personally acquainted with the purchaser or the purchaser is identified to the dealer by a person acquainted with the dealer and the purchaser.

Fairport Harbor

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Fairview Park

539.01 same as 2923.11.
539.05 same as 2923.17.
539.07(A) (2) same as 2923.20(A) (4).
539.07(A) (3) same as 2923.20(A) (5).
539.08 same as 2923.21.

543.01 Definitions. As used in this chapter: (a) Firearm means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. Firearm includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(b) Handgun means any firearm designed to be fired while being held in one hand. * * *

(d) Firearms dealer means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Fairview Park whether as the principal business of such person, firm or corporation, or in addition thereto.

(e) Fugitive from justice means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty or extradition in effect.

(f) Resident means any person who has a factual place of residence within the limits of the City of Fairview Park, Ohio.

(g) Nonresident means any person who does not have a factual place of residence within the limits of the City of Fairview Park, Ohio.

(h) Minor means any person under the age of eighteen years.

543.03. Permit to dispose of concealable weapons. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the city, any pistol, hand gun, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a permit to do so, * * * and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this city who has not secured a permit from the Chief of Police to purchase such weapon * * *

543.07. Sale of firearms or ammunition to minors. No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years of age an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instructions and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that such Instructor is the parent of the person receiving such instruction.

543.08. Sale of ammunition—record required. It shall be unlawful for any person, firm or corporation to sell, give, barter, or otherwise dispose of any ammunition which is capable of use in any pistol, hand gun, revolver, or other weapon of like character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it; which entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift or exchange or other disposition of ammunition and the means or method of such identification shall be recorded in the book required to be kept hereunder.

Findlay

49.5. No firearms, etc., for minors under seventeen. It shall be unlawful for any per-

son or persons, in the city, to sell, barter, furnish or give to a minor under the age of seventeen years, a resident of the city, an airgun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Flushing

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Forest Park

132.01 same as 2923.11.
132.09 same as 2923.20(A), (3), (4), (5); (B).
132.10 same as 2923.21.

Franklin

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Gahanna

545.01 same as 2923.11.
545.06 same as 2923.20(A) (4) & (5).
545.07 same as 2923.21.

Galion

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

Garfield Heights

511.01 same as 2923.11.
511.06 same as 2923.20(A) (4) & (5).
511.07 same as 2923.21.

Genoa

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Gibsonburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Glenwillow

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Golf Manor

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Grand Rapids

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Greenfield

140.01 same as 2923.11.
140.06 same as 2923.20(A) (4) & (5).
140.07 same as 2923.21.

Green Springs

38.12 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Greenville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Grove City

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Groveport

2323.05 same as 2923.17.

Hamilton

729.01. Record of sale. It shall be unlawful to sell any firearm, * * * unless at the time of such sale the vendor records in a book to be kept for that purpose:

(a) The name and address of the purchaser;

(b) The purpose for which the purchase is made;

(c) The date of such purchase and the hour when such purchase was made;

(d) An accurate description of the item purchased, the number thereof, and the name of the maker thereof;

(e) A description of the purchaser, which description shall set forth his age, his height, the color of his hair, and the color of his eyes, and any other identifying marks or characteristics;

(f) A description of the clothing worn by the purchaser;

(g) A description of all visible scars or marks on the face and hands of the purchaser, and of any apparent deformity; and

(h) Whether the purchaser is smooth shaven or wears a mustache, a beard, a goatee, or side whiskers.

729.03. Sale to minors. It shall be unlawful to sell any weapon enumerated in Section 729.01 to any person under the age of twenty-one years.

729.04 Dangerous weapons dealers license. A license is hereby required, to be obtained in the manner provided in this code, for every dangerous weapons dealer operating in the City of Hamilton.

1309.01. Identifying marks on weapons. It shall be unlawful to change, alter, remove, or destroy the name of maker, model, manufacturer's number, or other mark of identification or to sell any dangerous weapon, or to keep or have in possession dangerous weapon capable of use, on which any such mark of identification has been changed, altered, removed, or destroyed, to the knowledge of the person having or selling such weapon.

1315.18. Possession of explosive, flammable devices regulated. No person shall

make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

Hicksville

Sec. 138.06(A) (2) same as 2923.20(A) (4).
Sec. 138.06(A) (3) same as 2923.20(A) (5).
Sec. 138.07 same as 2923.21.

Highland Heights

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Hilliard

134.01 same as 2923.11.
134.04 same as 2923.17.

Hilliar Township

See Centerburg Village

Hillsboro

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with section 1533.13 of the Revised Code.

Holland

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Huron

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Independence

781.01 License to dispose of concealable weapons. No person shall engage in the business of selling within the City any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person without securing a license to do so as hereinafter provided, and no person having secured such a permit, shall sell or give away any such weapon except in strict accordance with all Municipal, State and Federal laws pertaining to firearms.

781.03 Daily report of sales. All persons who are licensed to deal in the weapons described in Section 781.01 shall make out and deliver to the Police Department of the City, not less than forty-eight hours prior to delivery of any such weapons to a purchaser or donee, a legible and correct report of sale or gift made under authority of such license on a form to be furnished by the Police Department. The report shall contain the date of such sale or gift, the name, age and address of the purchaser or donee, length of time at such address, kind and description of such weapon, and the purpose given by such person for the purchase of such weapon. The report shall be signed by the purchaser.

Ironton

545.01 same as 2923.11.
545.05 same as 2923.17.
545.06(b) same as 2923.20(A) (4).
545.06(c) same as 2923.20(A) (5).
545.07 same as 2923.21.

Kent

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(A) (2) same as 2923.20(A) (4).
549.08(A) same as 2923.21(A).

549.13. License to Sell Weapons. (A) No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so as provided in Section 549.14 and no person having secured such a license, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

(B) No licensed or unlicensed commercial enterprise, or individual, engaged in the sale of weapons described in Subsection (A) hereof shall make available for purchase handguns unless said handgun complies with the following three requirements:

(1) the barrel length shall exceed three (3) inches or the handgun is sold at a price exceeding Eighty ($80.00) dollars;

(2) the barrel, cylinder, slide and frame of the handgun shall be entirely machined and/or investment cast;

(3) the barrel, cylinder, slide and frame of the handgun shall neither melt nor deform at a temperature of less than 800 degrees Fahrenheit.

(C) Whoever violates this section is guilty of a misdemeanor of the first degree. A fine of at least five hundred ($500.00) dollars is mandatory for a violation of this section. Each sale of a handgun in violation of this section is a distinct and separate offense.

549.14. Application for license. Any person desiring a license authorizing the sale of any of the deadly weapons mentioned in Section 549.13 shall make application in writing to the Mayor [contact local authorities for required contents] * * *

549.17 Application For Permit To Buy Weapon.

(A) No person shall purchase any deadly weapon, which can be concealed on the person, without first securing from the Chief of Police or Officer In Charge a permit to do so. Before any such permit is granted an application in writing shall be made therefor, [contact local authorities for required contents] * * *

(B) This section does not apply to persons showing proof that they are officers, agents or employees of this or any other state of the United States, or to any other law enforcement officers authorized to carry deadly weapons capable of being concealed on the person, and acting within the scope of their duties, or federally licensed firearms dealers.

(C) Whoever violates subsection (A) is guilty of a misdemeanor of the fourth degree.

549.18 Issuance of Permit to Buy Weapon. The Chief of Police or Officer In Charge shall refuse to issue a permit to purchase any deadly weapon which can be concealed on the person to minors and to all persons convicted of any: (1) Crime of violence; (2) Felony; (3) Violation of Chapter 549, Codified Ordinances of the City of Kent

Kenton

672.01 same as 2923.11.
672.05 same as 2923.17.

672.07 adopts 2923.18(A), (B) (1), (C), (D), (E) and (F).
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21A(1), (2) & (3).

Kettering

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

La Grange

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Lakewood

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

549.13. License to sell weapons. (a) No person, firm or corporation shall engage in the business of selling, or sell or give away to any person, within the City, any deadly weapon which can be concealed on the person, without securing a license to do so as hereinafter provided, and no person, firm or corporation having secured such a license shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

549.17. Permit to purchase weapons; application. (a) No person shall purchase any deadly weapon which can be concealed on the person without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, [contact local authorities for required contents] * * *

Lancaster

529.03. Sale of firearms. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

Lima

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Linndale

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Lockbourne

2323.01 same as 2923.11.
2323.05 same as 2923.17.

Lockland

Sec. 136.03 Sale of firearms to minors. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Sec. 114.04 Firearms trade. No pawnbroker or second-hand dealer shall sell, pawn, take in trade, loan money on or deal in firearms.

Lorain

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

Loudonville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Loveland

74.8 Sale of firearms to minors. Whoever shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age shall be fined not more than fifty dollars. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with RC 1533.13.

Lyndhurst

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Magnetic Springs

131.06 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, * * * (a) rifle, shotgun, revolver, pistol, or other firearm, or ammunition thereof, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. * * * * *

Mansfield

13.101 same as 2923.11.
13.106(A) (2) same as 2923.20(A) (4).
13.106(A) (3) same as 2923.20(A) (5).
13.107 same as 2923.21.

Marietta

529.03. Sale of firearms. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

Marion

546.01 same as 2923.11.
546.06(A) (2) same as 2923.20(A) (4).
546.07 same as 2923.21.

Marysville

131.06 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a

minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor * * *.

Mason

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Maumee

140.01 same as 2923.11.
140.06(a) (2) same as 2923.20(A) (4).
140.06(a) (3) same as 2923.20(A) (5).
140.07 same as 2923.21.

Mayfield Heights

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

549.13. Sale license, purchase permit required. (a) No person shall sell, offer to sell, exhibit for sale or engage in the business of selling firearms, air guns, B-B guns or similar weapons, ammunition or explosives without first securing a license to do so from the Chief of Police, as provided in Section 549.14. No person shall sell any weapon or other article as herein defined, which is concealable on the person, to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon, in the manner provided in Section 549.15.

549.14. License application information; fee and renewal. Any person desiring a license authorizing the sale of any of the weapons or other articles mentioned in Section 549.13, shall make application in writing to the Chief of Police, [contact local authorities for required contents.] * * *

549.15. Permit application information; fee and disposition. (a) No person shall purchase a particular weapon or other article as specified in Section 549.13, concealable on the person, without first securing a permit to do so. Before any such permit is granted, an application in writing shall be made to the Chief of Police [contact local authorities for required contents] * * *. Such application shall be accompanied by a fee of one dollar ($1.00) and upon issuance shall be valid for the purchase of one particular weapon therein described. Such permit shall be given to and collected by the seller, and filed with the City in the seller's report of sales of such weapons.

549.16. License or permit refusal. It shall be the duty of the Chief of Police to refuse a license to engage in the business of selling or a permit to purchase any weapon or other article mentioned in Section 549.13 to any person who has been convicted of any crime other than a traffic offense, to any vagrant, any suspicious person, any minor under the age of eighteen years generally or any person who has violated a provision of this chapter during the preceding year.

Mentor

133.01 same as 2923.20(A) (4) & (5).

Miamisburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Middleburg Heights

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Middlefield

560.01 same as 2923.11.
560.06(a) (2) same as 2923.20(A) (4).
560.06(a) (3) same as 2923.20(A) (5).
560.07 same as 2923.21.

Middletown

13-101 same as 2923.11.
13-106 same as 2923.20(A) (4) & (5).
13-107 same as 2923.21.

993.06 Sale of explosives to minors. It shall be unlawful for any person to sell to a minor any cap or other explosive device used in the discharge of toy pistols and torpedo canes, or any blank cartridge, whether for use in pistols, revolvers or cannons.

Millersburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Millville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Mogadore Village

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Monroeville

545.01 same as 2923.11.
545.06(A) (2) same as 2923.20(A) (4).
545.06(A) (3) same as 2923.20(A) (5).

Montgomery

131.09(A) (1) same as 2923.21(A) (1).
131.09(A) (2) same as 2923.21(A) (2).

Montpelier

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Moraine

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Mount Vernon

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Navarre

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

New Albany

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

New Athens

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Newburgh Heights

1. Permit to dispose of concealable weapons. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the Village, any pistol, hand gun, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided, and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this village who has not secured a permit from the Chief of Police to purchase such weapons in the manner hereinafter provided.

5. Sale of firearms or ammunition to minors. No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

7. Sale of ammunition—record required. It shall be unlawful for any person, firm or corporation to sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, hand gun, revolver, or other weapon of like character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it; which entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift or exchange or other disposition of ammunition and the means or method of such identification shall be recorded in the book required to be kept hereunder.

8. Permit to purchase concealable weapons. It shall be unlawful for any person to purchase any pistol, hand gun, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so.

* * * * *

New Carlisle

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

New Philadelphia

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Newton Falls

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Niles

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

549.14 Sale of Weapons; License Required (a) No person shall engage in the business of selling or shall sell or give away to any person within the City any pistol, revolver, derringer, * * * or other weapons of like character which can be concealed, without first securing a license to do so. * * *.

* * * * *

549.15 Purchase of Weapons; Permit Required. (a) No person shall purchase any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed, without first securing from a Committee, composed of the Chief of Police and the Mayor, a permit to do so.

North Baltimore

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Bend

13-101 same as 2923.11.
13-106(A) (2) same as 2923.20(A) (4).
13-106(A) (3) same as 2923.20(A) (5).
13-107 same as 2923.21.

North Canton

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Fairfield

545.01 same as 2923.11.
545.05 same as 2923.17.
545.06(A) (2) same as 2923.20(A) (4).
545.06(A) (3) same as 2923.20(A) (5).

Northfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Olmsted

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Randall

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

North Royalton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

672.15 Sale or gift of concealable firearms. (a) No person shall sell, barter, furnish or give to any other person any pistol, revolver, derringer or other firearm of like character and caliber, which can be concealed on the person, without providing the Chief of Police with a copy of the United States Department of the Treasury Form 4473, at least seventy-two hours prior to such purchaser or donee taking possession of such firearm.
* * * * *

Norwalk

513.01 same as 2923.11.
513.06 same as 2923.20(A) (4) & (5).
513.07 same as 2923.21.

Norwood

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oakwood

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oberlin

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A) (4).
549.07(a)(3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Olmstead Falls

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Ontario

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18(A), (B) (1), (C), (D), (E), and (F).

672.08. Failure to secure dangerous ordnance. (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09(a) (2) same as 2923.20(A) (4).
672.10 same as 2923.21.

Orange, Village of

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Orrville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oxford

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Parma

553.08. Sale of explosives, firearms and ammunition to minors. (a) No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R.C. 3743.01(A), whether such person is acting for himself or for any other person.

(b) No person shall sell, give, barter or otherwise dispose of any air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, to a minor under the age of seventeen years.

787.01. Definition. As used in this chapter, "person" means individual persons, firms or corporations.

787.02. Sales license and purchase permit required. No person shall engage in the business of selling, or sell or give away to any person, or barter or exchange with any person, within the City, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without securing a license to do so as hereinafter provided. No person, having secured a license, shall sell, give away, barter or exchange any weapon to any person within the City who has not secured a permit from the Director of Public Safety to purchase or otherwise receive such weapon in the manner hereinafter provided.

787.06. Purchase permit: application information. No person shall purchase or receive as donee or as one who barters or exchanges, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without first securing from the Director of Public Safety a permit to do so. Before any permit is granted, an application in writing shall be made therefor [contact local authorities for required contents] * * *

* * * * *

Parma Heights

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09 (a) (2) same as 2923.20(A) (4).
672.09 (a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Pepper Pike

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07 (a) (2) same as 2923.20(A) (4).
549.07 (a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Perrysburg

672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).

672.09(a) (3) same as 2933.20(A) (5).
672.10 same as 2923.21.

Pleasant Hill

Sec. 38.10 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Plymouth

3-74P. ***** Section 2: The Ohio Criminal Code as set forth in Chapter 29 of the Ohio Revised Code, together with all amendments thereof shall be and are *** adopted ***

Pomeroy

929.06 same as 2923.21.

Port Clinton

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Portsmouth

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

705.32. Dealers in firearms and ammunition; *** All dealers in guns, revolvers, pistols, firearms, ammunition for firearms or dangerous weapons shall pay a license fee of ten dollars ($10.00) per annum.

Ravenna

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Reading

10-106 same as 2923.20(A) (4) & (5).
10-107 same as 2923.21.

Reminderville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Reynoldsburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Richfield

549.01 same as 2923.11
549.05 same as 2923.17
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Ridgeville

513.01 same as 2923.11.
513.06(a) (2) same as 2923.20(A) (4).
513.06(a) (3) same as 2923.20(A) (5).
513.07 same as 2923.21.

Rittman

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Rocky River

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Rossford

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Sandusky

13-106. Unlawful transactions in weapons. (A) No person shall: *** (2) When transferring any dangerous ordinance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordinance pursuant to Section 13-105 of the General Offense Code or 2923.17 of the Ohio Revised Code ***

13-107(A) (1) same as 2923.21(A) (1).
13-107(A) (2) same as 2923.21(A) (2).
13-107(A) (3) same as 2923.21(A) (3).

Scio

549.01 same as 2023.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Sebring

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 923.20(A) (5).
549.08 same as 2923.21.

Seven Hills

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Shaker Heights

General Offense Code

753.01 Definitions. As used in this chapter:

(A) "Firearm" means any deadly weapon capable of expelling or propelling one or more

projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(B) "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion of a rod with the receiver or slide closed, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant but does not include inoperable handguns which cannot be rendered operable, curios, relics, or antique handguns as presently or hereafter defined in Title 26, Part 178 of the Code of Federal Regulations, Commerce In Firearms.

(C) "Dealer" means any person, firm or corporation engaged in the business of selling or trading firearms or firearm ammunition at wholesale or retail within the limits of the City of Shaker Heights, Ohio, whether as the principal business of such person, firm, or corporation, or in addition thereto.

(D) "Resident" means any person who has a place of residence within the limits of the City of Shaker Heights, Ohio.

(E) "Non-resident" means any person who does not have a place of residence within the limits of the City of Shaker Heights, Ohio.

* * * * *

(G) "Identification Card" means a Handgun Owner's Identification Card issued pursuant to Section 753.04.

(H) "Registration Card" means a Handgun Registration Card issued pursuant to Section 753.05.

* * * * *

753.02 Prohibitions. (A) No person shall sell, purchase, own, possess, transfer, give, deliver, receive or have on or about his person or use any handgun which does not contain an engraved serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated; * * *.

(B) No person shall receive, or possess any handgun unless such person has an Identification Card issued to him and in effect and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

(C) No person shall have on or about his person, or use any handgun unless such person has in his possession an Identification Card issued to him and in effect, and a Registration Card for each handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

(D) No person shall deliver, transfer or furnish any handgun to any person unless the transferee exhibits at the time of transfer an Identification Card valid on its face and issued to the transferee, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

* * * * *

753.06 Exemptions. (A) The following shall be exempt from the provisions of this Chapter except sub-section (A) of Section 753.02.

(1) Any state of the United States, the United States or any political subdivision, department or agency of either;

(2) An officer or agent of any state or the United States, or any political subdivision, department, or agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political sub-division, but only to the extent that his official duties require him to purchase, own, possess, receive, carry, or use handguns and not for the personal use of such individuals.

(B) The requirement of an Identification Card and Registration Card contained in Sections 753.04 and 753.05 shall not apply:

(1) To a holder of a dealer's license issued pursuant to Section 753.07.

(2) To a non-resident of the City of Shaker Heights who holds and exhibits upon request a valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of his place of residence to purchase, own, possess, receive, carry, or use any handgun; * * *

(3) To a non-resident of the City of Shaker Heights, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of his entry into this City for such purpose; provided that such person shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of his former domicile to own, possess, receive, or have on or about the person any handgun, or proof of residence in a jurisdiction which does not require the same.

* * * * *

(6) To carriers, warehousemen, and others engaged in the business of transportation and/or storage and their employees to the extent that the possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States, but not for the personal use of any such person.

* * * * *

(8) To a federally licensed manufacturer of handguns.

753.07 Dealer's license (A) Every Dealer in this City shall procure a license to engage in such business. Any Dealer engaged in such business at more than one location in this City shall procure a separate license for each such location. * * * * *

Sharonville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Sheffield Lake

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

672.15 Sale and possession of firearms and explosives.

(a) **Definitions.** As used in this section:

(1) "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer.

(2) "Pistol" means any firearm with a barrel less than twelve inches in length.

(3) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(4) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(5) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the Government of the United States, or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

(b) **Possession Restricted.**

(1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice, of unsound mind, a drug addict or an habitual drunkard, shall possess a firearm within the City.

(2) No person who is a member of a subversive organization shall possess a firearm within the City.

(3) No person under the age of twenty-one shall possess a handgun. This subparagraph shall not apply to the issue of pistols to members of the Armed Forces of the United

States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(c) **Nonserialized Pistols.** No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(d) **Sales, Transfers and Displays Regulated.**

(1) No manufacturer or dealer, except a manufacturer or dealer having a license issued by the Sheffield Lake Division of Police, shall sell any firearm at wholesale or retail.

(2) No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(3) When delivered, all pistols must be securely wrapped and must be unloaded.

(e) **False Information Prohibited.**

(1) No person, in applying for a license as a manufacturer or dealer, shall give false information or offer false evidence of his identity.

(2) No person shall give false information concerning the matters referred to in subsections (b)(1) and (b)(2) hereof or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

(f) **Confiscation and Destruction.** Any firearm of any type or explosive of any type sold or possessed in violation of any provision of this section shall be confiscated by the Sheffield Lake Division of Police and destroyed by such Division.

(g) **Penalty.** Whoever violated any of the provisions of this section is guilty of a misdemeanor of the second degree. Punishment shall be as provided in Section 698.92.

Shelby

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Shiloh

545.01 same as 2923.11.
545.06(A) (2) same as 2923.20(A) (4).
545.06(A) (3) same as 2923.20(A) (5).

Sidney

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Solon

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

South Euclid

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

672.14. License required for sale of weapons. No person shall engage in the business of selling, or sell or give away to any person within the City any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on or about the person, without first securing a license to do so as hereinafter provided. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not first secured from the Chief of Police a permit to purchase such weapon in the manner hereinafter provided.

672.15. Application for license. Any person desiring a license authorizing the sale of any of the deadly weapons specified in Section 672.14 shall make application in writing to the Director of Public Safety, [contact local authorities for required information] * * *

672.18. Permit to buy weapon. No person shall purchase or acquire by gift or otherwise any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on or about the person, without first securing a permit to do so. Before any such permit is granted, an application in writing shall be made therefor to the Chief of Police [contact local authorities for required information] * * *

* * * * *

South Russell Village

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Springdale

672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Springfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

St. Bernard

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

St. Clairsville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Steubenville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

Stone Creek Village

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Stow

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

672.17 Possession and transfer of firearms.

(a) **Definitions.** As used in this section: (1) "Pistol" means any firearm with a barrel less than twelve inches in length.

(2) "Manufacturer" and "dealer" mean any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(4) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, as listed by the United States Government Justice Department.

(b) Unlawful Possession. (1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealths, countries or the District of Columbia, or who is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, shall possess a firearm within the City.

(2) No person who is a member of a subversive organization shall possess a firearm in the City.

(3) No person under the age of eighteen shall possess a pistol. The provisions of this subsection shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, the State Militia, or the ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent or guardian or adult instructor.

(c) Manufacturers and Dealers. (1) No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(2) No manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this section, shall sell any firearm at wholesale or retail within the City.

(3) No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, or a member of a subversive organization.

(4) When delivered all firearms must be unloaded.

(5) No person shall sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in subparagraph (b)(3) hereof.

(6) Application for a manufacturer's or dealer's license required by subparagraph (c)(2) hereof shall be made to the Director of Public Safety on forms prescribed and furnished by the City. * * * * *

Strongsville

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Stryker

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.08 **same as** 2923.21.

Tallmadge

71.2:2 Sale of firearms to minors. 1. No person shall sell, order, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shot gun, revolver, pistol or other firearm, or ammunition therefore, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Terrace Park

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Tiffin

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Tipp City

140.01 **same as** 2923.11.
140.06(A) (2) **same as** 2923.20(A) (4).
140.06(A) (3) **same as** 2923.20(A) (5).
140.07 **same as** 2923.21.

Toledo

17-13-101. Definitions. As used in Sections 17-13-101 to 17-13-124 of the General Offense Code:

A. "Deadly Weapon" **same as** 2923.11(A).

B. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

C. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

D. "Semi-Automatic Firearm" **same as** 2923.11(D).

E. "Automatic Firearm" **same as** 2923.11(E).

F. "Sawed-off Firearm" **same as** 2923.11(F).

G. "Zip-gun" **same as** 2923.11(G).

H. "Shotgun" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

I. "Rifle" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

J. "Fixed Place of Business" means an established location of a commercial or industrial enterprise owned, managed, or operated by a person, firm or corporation.

K. "Unencased" means not enclosed in a case, container, or receptacle designed and constructed specifically for the purpose of encasing a firearm, but shall not include a holster for a pistol or revolver.

L. "Loaded" means any pistol, revolver, rifle, shotgun, or any other weapon, by whatever name known, designed to expel a projectile or projectiles by the action of expanding gases, which contains a round or rounds of ammunition in the chamber, slide, receiver, barrel, or cylinder, or clip attached thereto.

M. "Unloaded" means any pistol, revolver, rifle, shotgun, or any other weapon, by whatever name known, designed to expel or projectile or projectiles by the action of expanding gases, which does not contain a round or rounds of ammunition in the chamber, receiver, slide, barrel, cylinder or clip attached thereto.

N. "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Toledo, whether as the principal business of such person, firm or corporation, or in addition thereto.

O. "Fugitive from Justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any for-

eign country with which the United States has a treaty of extradition in effect.

P. "Resident" means any person who has a factual place of residence within the limits of the City of Toledo.

Q. "Non-resident" means any person who does not have a factual place of residence within the limits of the City of Toledo.

R. "Minor" means any person under the age of twenty-one (21) years.

S. "Explosive device" same as 2923.11(H).

T. "Incendiary device" same as 2923.11(I).

U. "Dangerous Ordnance" same as 2923.11(J).

V. "Dangerous ordnance" same as 2923.11(K).

17-13-103. Prohibitions. A. No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

B. No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug, or drug of abuse.

C. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

D. No person shall knowingly sell, transfer, give, deliver, or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

17-13-105. Identification Card Required. A. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code. * * *

17-13-106. Exemptions. A. The requirements of a handgun owner's identification card contained in Section 17-13-105 of the Toledo Municipal Code do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

1. Any state of the United States, or any political subdivision, department, or agency of either;

2. Officers or agents of any state or the United States or any political subdivision, department, or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry, or use handguns;

3. Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt, or use of any handgun is in the ordinary course of business;

4. Non-residents of the City of Toledo who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 17-13-103 or 17-13-105 of the Toledo Municipal Code, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun * * *.

5. Non-residents of the City of Toledo, Ohio, removing to this city for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this city for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

6. Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

7. Heirs and legatees acquiring any handgun or handgun ammunition through distribution of an estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty (60) days from the date of their coming into possession any handgun.

8. Carriers, warehousemen, and others engaged in the business of transporting or storing firearms, handguns and their agents, servants, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this state or the United States. * * * * *

Section 17-13-107. Further Prohibitions. A. No person in this city shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 17-13-105 of the Toledo Municipal Code, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code.

B. No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City, unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 17-13-105, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code.

17-13-108. Dealers License. A. Every firearms dealer in this City shall procure a license to engage in such business * * *.

* * * * *

Section 17-13-110. Records. A. Every firearms dealer shall maintain a record of the sale of handguns. Such record of sale shall contain the (information required by the local authorities; contact them for record entries required under Sec. 17-13-110) * * *. Each such record of sale shall be signed by the purchaser and the salesman and no sale shall be made unless such identification card or permit is exhibited by the purchaser. In the instance of sales from a wholesale distributor to a dealer the license number of the dealer shall be recorded in lieu of the aforesaid identification card. (see 17-13-105)

* * * * *

C. No firearms dealer or any agent or employee of such dealer shall fail to comply with this section or knowningly cause any false information to be entered on a record of sale of any handgun, and no purchaser of any handgun shall give any false information for entry on such record of sale.

D. As used in this section the term "wholesale distributor" shall be an individual, partnership, or corporation, selling only to licensed dealers and not at retail or otherwise to individual consumers.

17-13-120(A) (2) same as 2923.20(A) (4).

17-13-120(A) (3) same as 2923.20(A) (5).

17-13-122 same as 2923.21.

Section 17-13-123, Exceptions. A. The provisions of this Article shall not apply to officers or agents of any State or of the United States, or any political subdivision, division or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to carry, be in possession of, or have on or about his person any such firearm or weapon, nor to a person whose

terms of employment require him to carry, possess, or have on or about his person during the hours of his employment such firearm or weapon; nor to the members of a color guard, military unit, or marching unit, while such color guard, military unit, or marching unit is participating in a duly authorized parade, athletic event, funeral, or while so participating in such other civic events and functions in which the flag of the United States is displayed, provided, however, that any firearms borne by members of any such color guard, military unit, or marching unit while so participating in such events shall at all times remain unloaded.

B. Nothing in this Article shall be construed to limit, restrict, or modify the legitimate use of firearms as provided by the laws of the United States, or of the State of Ohio, nor shall it be construed to restrict, limit, prohibit or modify the conduct of legitimate business with manufacturers, wholesale dealers and retail dealers of firearms licensed by the Federal Government, or retail dealers of firearms licensed by the City of Toledo, or with or by persons, firms or coporations engaged in the business of repairing, altering, assembling, cleaning, polishing, engraving, or trueing or who performs any mechanical operation upon any firearm.

Section 17-13-127. Explosive Devices. A. No person shall make, use, or possess on his person or have under his control a Molotov cocktail, or any other explosive device containing a flammable, combustible or explosive material or substance which can be used as a firebomb either by igniting a fuse and/or breaking the device.

B. Persons engaged in a lawful activity, business, calling, employment or occupation are hereby exempt from the operation of this section. * * *

Tremont

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2933.20(A) (4).
540.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Trenton

135.01 same as 2923.11.
135.06(B) same as 2923.20(A) (4).
135.06(C) same as 2923.20(A) (5).
135.07 same as 2923.21.

Trotwood

545.01 same as 2923.11.
545.03 same as 2923.17.
545.07(A) (2) same as 2923.20(A) (4).
545.07(A) (3) same as 2923.20(A) (5).
545.08 same as 2923.21.

545.15 Sale License, Purchase Permit Required (A) No person, firm or corporation shall give, sell, offer to sell, exhibit for sale or engage in the business of selling firearms, * * * ammunition, explosives or fireworks without first securing a license to do so from the Chief of Police. No person, firm or corporation shall sell or give away any weapon, as herein defined, which is concealable on the person, to any person within the Municipality who has not secured a permit from the Chief of Police to purchase such weapons.

* * * * *

545.20 Records of Sales (A) Any person, firm or corporation who shall sell any firearms, * * * or other weapon, ammunition, explosives or fireworks shall make and keep a permanent written record of such sale. Such record shall contain [information required by local authorities; contact them for required contents] * * * and the signature of the purchaser.

Troy

519.01 same as 2923.11.
519.05 same as 2923.17.
519.06(a) (2) same as 2923.20(A) (4).
519.06(a) (3) same as 2923.20(A) (5).
519.07 same as 2923.21.

University Heights

626.01. Definitions. As used in this chapter: (a) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(b) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(c) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(d) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect.

(e) "Resident" means any person who has a factual place of residence within the limits of the City.

(f) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(g) "Minor" means any person under the age of twenty-one years.

626.02. Prohibitions. (a) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect. However, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving or having on or about his person or using such firearm or ammunition. * * *

626.04. Identification card required. (a) No person shall purchase, own, possess, receive, have on or about his person or use any handgun, except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 626.05. * * * * *

626.05 Exemptions. (a) The requirements of a handgun owner's identification card obtained pursuant to Section 626.04 do not apply to the purchase, ownership, possession, receipt, having on or about the person or use of any handgun or handgun ammunition by:

(1) Any state of the United States or any political subdivision, department or agency of either;

(2) Officers or agents of any state of the United States or any political subdivision, department or agency of either, members of the organized militia of any state or the Armed Forces of the United States, or law enforcement officers of any political subdivision, to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry or use handguns;

(3) Licensed manufacturers and dealers and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of any handgun is in the ordinary course of business;

(4) Nonresidents of the City who are residents of the State, provided that such persons are not prohibited by the provisions of Section 626.02 or 626.04 and possess and exhibit upon request such valid permit, authorization or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun * * *The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the City with firearms for the sole purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for only thirty days from the date thereof;

(5) Nonresidents of the City moving into the City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into the City for such purpose, provided that such persons possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun;

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys;

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun;

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms or handguns, and their agents and servants, to the extent that the ownership, possession, receipt or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States.

* * * * *

626.06. Further prohibitions; sales; purchases; transfers. (a) No person in the City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 626.04, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.05.

(b) No person in the City shall sell, deliver, transfer or furnish any handgun to any person in the City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 626.04 or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.05.

* * * * *

626.07. Dealer's license required. (a) Every firearms dealer in the City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

* * * * *

672.09. Improperly furnishing firearms to a minor. (a) No person shall:

(1) Sell any firearm to a person under age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one; * * *

Upper Arlington

523.01 same as 2923.11
523.04 same as 2923.17.

Vermilion

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Wadsworth

529.02. Sale of firearms. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

Wakeman

10-101 same as 2923.11.
10-106(A) (2) same as 2923.20(A) (4).
10-106(A) (3) same as 2923.20(A) (5).
10-107 same as 2923.21.

Walbridge

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Waldo

Section 6: Unlawful Transactions in Weapons. (A) No person shall: * * * * *

2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Article XIV, Section 5 of the General Offense Code or 2923.17 of The Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

Section 7 same as 2923.21.

Wapakoneta

134.03. Sale of firearms to minors. (A) No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Warren

515.01 same as 2923.11.
515.06(A) (2) same as 2023.20(A) (4).

515.06(A) (3) same as 2023.20(A) (5).
515.07 same as 2923.21.

545.04. Sale of firearms; dealer's license; purchaser's permit. No person shall engage in the business of selling or sell or give away to any person within the City any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so * * *. No person, having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

545.08. Permit required of purchaser. No person shall purchase any pistol, revolver, derringer, * * * or any weapon of like character which can be concealed on the person, without first securing from the Police Chief a permit to do so.

* * * * *

Warrensville

741.01 Permit to dispose of concealable weapons. No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any pistol, revolver, derringer, * * * or other weapon of similar character, which can be concealed on the person, without securing a permit to do so as hereinafter provided. No person having secured such permit shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

* * * * *

741.05 Permit to purchase concealable weapons; application. No person shall purchase any pistol, revolver, * * * or other weapon of similar character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, (which shall contain the information required under 741.05; contact the Chief of Police for assistance) * * *

* * * * *

741.09 Sale of ammunitions; record required. No person shall sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, revolver or other weapon of similar character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it. Such entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift, exchange or other disposition of ammunition. The means or method of such identification shall be recorded in the book required to be kept hereunder.

* * * * *

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Warrensville Heights

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18(A), (B) (1), (C), (D), (E), and (F).

672.08. Failure to secure dangerous ordnance. (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09(a) (2) same as 2923.20(A) (4).
672.10 same as 2923.21.

741.01 Permit to Dispose of Concealable Weapons No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any pistol, revolver, derringer, * * * or other weapon of similar character, which can be concealed on the person, without securing a permit to do so as hereinafter provided. No person having secured such permit shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

741.09 Sale of Ammunition; Record Required No person shall sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, revolver or other weapon of similar character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it. Such entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift, exchange or other disposition of ammunition. The means or method of such identification shall be recorded in the book required to be kept hereunder.

Washington C.H.

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Waterville

510.06. Unlawful transactions in weapons. (A) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 510.05 of the General Offense Code or 2923.17 of the Ohio Revised Code, * * *.

510.07(A) (1) same as 2923.21(A) (1).
510.07(A) (2) same as 2923.21(A) (2).
510.07(A) (3) same as 2923.21(A) (3).

Wellston

131.06. Sale of firearms to minors. (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

West Alexandria

672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

West Carrollton

519.01 same as 2923.11.
519.06 same as 2923.20(A) (4) & (5).
519.07 same as 2923.21.

Westerville

523.01 same as 2923.11.
523.06 same as 2923.17.

523.08 same as 2923.20(A) (4) & (5).
523.09 same as 2923.21.

Westlake

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Westfield Center

672.01 same as 2923.11.
672.05 same as 2923.11.
672.07 same as 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

West Milton

131.06 - Sale of Firearms to Minors. (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen, an * * * rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

(B) This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Section 1533.13 of the Revised Code.

Weston

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Whitehall

549.01 same as 2923.11
549.05 same as 2923.17

549.07. Unlawful transactions in weapons. (a) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, * * *.

549.08(a) (1) same as 2923.21(A) (1).
549.08(a) (2) same as 2923.21(A) (2).
549.08(a) (3) same as 2923.21(A) (3).

549.16. Sale or gift of deadly weapons; license required. (A) No person shall sell or give away to any person within the City any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned without securing a license to do so from the Chief of Police; and no person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit as required by Section 549.17.

549.17. Purchase of deadly weapons; permit required. (A) No person shall purchase, redeem or remove from deposit or pledge any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

Wickliffe

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

549.14 Permit to Sell or Purchase Concealable Weapon Required. (a) Permit Required. No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver or similar weapon, which can be concealed on the person, without securing a permit to do so, as hereinafter provided. No person having secured such a permit shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

Willard

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Willoughby

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

785.01 License to dispose of concealable weapons. No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so * * *. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon * * *.

785.05 Permit to purchase concealable weapons. No person shall purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

Willoughby Hills

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Windham

549.07 same as 2923.20 (A) (4) & (5).
549.08 same as 2923.21.

Wintersville

771-1: It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the Village, any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided, and no person having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon * * *.

771-2: It shall be unlawful for any person to purchase any pistol, revolver, derringer * * * other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

771-3: It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either of

sale or to purchase firearms by any person not a citizen of the United States.

Woodlawn

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Woodsfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Woodville

13-101 same as 2923.11.
13-106(A) (2) same as 2923.20(A) (4).
13-106(A) (3) same as 2923.20(A) (5).
13-107 same as 2923.21.

Wooster

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Worthington

549.01 same as 2923.11.
549.06 same as 2923.20(A) (4) & (5).
549.07 same as 2923.21.

Wyoming

672.01 same as 2923.11.
672.10 same as 2923.17.
672.12 same as 2923.18.
672.14(a) (2) same as 2923.20(A) (4).
672.14(a) (3) same as 2923.20(A) (5).
672.15 same as 2923.21.

Xenia

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Yellow Springs

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Yorkville

774-1. License required. It shall be unlawful for any person, firm, or corporation, to engage in the business of selling, or to sell or give away to any person within the Village of Yorkville, any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so * * *, and no person, firm, or corporation having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon * * *.

774-5. Application for permit by individual to purchase. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

774-7. American citizenship required for sale or purchase of firearms. It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either for sale or to purchase firearms by any person not a citizen of the United States.

Youngstown

Sec. 133.04 Possession of firearms by aliens. It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the city. * * *

Sec. 133.05 License to sell weapons required. (a) It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person, within the city any pistol, revolver, * * * machine gun, bomb, or other weapon of like character, which can be concealed, without securing a license * * *.

(b) It shall be unlawful for any person whether or not licensed under the provisions of this section, to sell or give away or loan to any person under the age of twenty-one years any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed.

Sec. 133.09 Weapon purchaser. It shall be unlawful for any person to purchase any weapon mentioned in section 133.05 unless he furnishes to the dealer the information required by section 133.08 (the name of the purchaser or donee with his address and age, and the purpose given by such person for the purchase of the weapon). It shall be unlawful for any person to purchase any weapon for a person under the age of twenty-one or to otherwise give, sell or loan such weapon to a person under the age of twenty-one years.

Zanesville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oklahoma

State Law

Okla. Stat. Ann.

Title 21

Chapter 53—Manufacturing, Selling and Wearing Weapons

Sec. 1272. Carrying weapons—Exceptions. It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse, any pistol, revolver * * * or any other offensive weapon, except as in this article provided. Provided further, that this Section shall not prohibit the proper use of guns and knives for hunting, fishing or recreational purposes, nor shall this Section be construed to prohibit any use of weapons in a manner otherwise permitted by statute. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor.

Sec. 1273. Selling weapons to minors. It shall be unlawful for any person within this State, to sell or give to any minor any of the arms or weapons designated, in the two preceding sections.

Sec. 1288. Purchases of firearms, ammunition and equipment in contiguous states

by Oklahoma residents—Purchases in Oklahoma by residents of contiguous states. (a) Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in a state contiguous to the State of Oklahoma, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the contiguous state in which the purchase is made.

(b) Residents of a state contiguous to the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in the State of Oklahoma, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the state in which such persons reside.

Sec. 1289.3 "Pistols" defined. "Pistols" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include flare guns, underwater fishing guns or blank pistols.

Sec. 1289.4 "Rifles" defined. "Rifles" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

Sec. 1289.5 "Shotguns" defined. "Shotguns" as used herein shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

Sec. 1289.10 Furnishing firearms to mentally incompetent or insane persons. It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane.

Sec. 1289.12 Selling or transferring of firearms to convicted felons, disturbed persons or persons under influence of alcohol or drugs—Displaying notice. It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, nor shall it be lawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sale, trade or transfer.

Ada

Sec. 17-26. Sale or furnishing of weapons to minors. It shall be unlawful for any person within the city to sell or give to any minor any of the arms or weapons designated in section 17-25.

Bethany

Section 1. Pistol and Revolvers Defined. The word pistol or revolver as used in this ordinance shall be construed as meaning any firearm with a barrel less than 12'' long.

* * * * *

Section 3. Sale to Person Without Permit—Exceptions. No person, firm or corporation shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver or like firearm within the City of Bethany to any person who is not a holder of a written permit from the Chief of Police of Bethany authorizing such person to purchase, receive or accept such revolver, pistol or like firearm; and in no case shall any person, firm, or corporation deliver a pistol or revolver or like firearm to the person to whom it is to be sold or transferred until approved by the Chief of Police in the manner provided hereafter.

Section 4. Application for Permit. Applications for permits to purchase, receive, or accept any revolver, pistol, or other like firearm shall be made to the Chief of Police of Bethany upon blanks to be provided therefore * * * [contact local authorities for required contents]

* * * * *

Section 8. Duty of Seller. It shall be the duty of any person, firm or corporation who sells, transfers, or gives away any pistol, revolver or other like firearm, as provided in this ordinance, at the time of such sale, gift, or delivery is made, to require the holder of such permit to deliver the said permit to such person, firm, or corporation who sells, transfers or gives away any pistol, revolver or other like firearm; and it shall be the duty of any such person, firm or corporation who sells, transfers, or gives away any pistol, revolver or like firearm to deliver such permit to the Chief of Police of Bethany, at the time the report of such sale or gift is made, as provided in this ordinance.

* * * * *

Colcord

Title 15—Weapons

* * * * *

Section 6: Sales Permitted-Rules All persons trading, or selling or offering for sale, any pistol, revolver, * * * capable of being carried concealed upon the person, shall at the time any such weapons are sold or delivered, require such persons receiving or purchasing such weapons to sign an application for the purchase of the weapon, upon blanks to be furnished by the Town of Colcord to the dealers in weapons of the above occupation, description, place of residence, the time such (applicant has been a resident) at such place and description of the weapon for the purchase of which such application is made, including the make, calibre and factory number, if any (are) there on.

Provided, the provisions of this section shall not apply to the sale or transfer of weapons herein defined between individuals who are not dealers in such weapons, nor to the sale of weapons usually used in hunting game and which are not capable of being carried concealed upon the body of the person carrying the same.

* * * * *

Healdton

2. It shall be unlawful for any person to sell to a minor any pistol, revolver, * * * or instrument manufactured or sold for the purpose of defense or offense, within the corporate limits of the City of Healdton.

Hominy

14c. Weapons, selling or giving them to minors. The act of selling or giving to any

minor any pistol, revolver, device, * * * or any other dangerous weapon is a public offense.

Hugo

Article 3. Firearms

Sec. 14-40, Pistol permit required. It shall be unlawful and an offense for any person to purchase, receive or accept in any manner any revolver, pistol or other like firearm within the City of Hugo, Oklahoma without first having obtained a written permit from the chief of police of the City of Hugo, authorizing such person to receive or accept such revolver, pistol or other like firearm.

Sec. 14-41. Definition. The word "pistol" or "revolver" as used in this article shall be construed as meaning any firearm with a barrel less than twelve (12) inches long.

Sec. 14-42. Sale allowed only to permit holders. No person, firm or corporation shall sell, deliver, barter or give, or otherwise transfer a pistol, revolver or other like firearm within the City of Hugo to any person who is not the holder of a written permit from the chief of police of Hugo authorizing such person to purchase, receive or accept such revolver, pistol, or other like firearm; and in no case shall any person, firm or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the chief of police of Hugo in the manner provided hereinafter.

Sec. 14-50. Sale restricted to certain hours. It shall be unlawful and an offense for any person, firm or corporation to purchase, receive or accept in any manner, or to barter or give away any pistol, revolver or other like firearm, as defined herein between the hours of five o'clock p.m. and one o'clock a.m.

Lawton

Sec. 7-116. Purchase and sale of pistol: Permit required. (a) No person shall purchase, receive, or accept in any manner any revolver, pistol, or like firearm within the City, without first having obtained a written permit from the police department authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm. Regular dealers in such articles may accept such articles without a permit.

(b) No person shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver, or other like firearm within the City, to any person who is not a holder of a written permit from the police department authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm; and in no case shall any person deliver a pistol, revolver, or other like firearm to the person to whom it is to be sold or transferred until approved by the police department in the manner provided hereinafter.

Sec. 7-117. Application for permit. Applications for a permit to purchase, receive, or accept any revolver, pistol, or other like firearm shall be made to the police department upon forms to be provided therefor. [contact local authorities for required contents] * * *

Sec. 7-118. Persons ineligible for permit; investigation. The police department shall refuse permits to all persons having been convicted of a felony under the laws of the State of Oklahoma or of any other state or of the United States, and to all minors, drug addicts, aliens and such other persons as it has reasonable cause to believe are not of sound mind and discretion and of good moral character. * * *

When it has reasonable cause to believe that such revolver, pistol, or other like firearm is to be used for lawful purposes the Police Department shall issue a qualified applicant a written permit authorizing him to purchase, receive, or accept such revolver, pistol, or other like firearm. Any permit so issued shall not be valid for a period in excess of thirty (30) days.

* * * * *

Sec. 7-121. Duty of seller. Any person who sells, transfers, or gives away any pistol, revolver, or like firearm, as provided in this article, at the time such sale, gift, or delivery is made, shall require the holder of such permit to deliver the permit to him, and he in turn shall deliver such permit to the police department at the time the report of such sale or gift is made, as provided in this article.

Sec. 7-122. Purchaser not authorized to carry pistol. Nothing contained in this article shall in any manner be construed as a permit to carry a revolver, pistol, or like firearm contrary to any ordinance of the City or the laws of the State.

Sec. 7-123. Antique pistols exempt from article. Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being fired at the time of sale.

Sec. 7-124. Regular dealers exempt from permit requirement. The provision of this article pertaining to permits for transactions involving revolvers, pistols, or other like firearms shall not be applicable to transactions solely involving regular dealers in such articles.

* * * * *

Midwest City

Ordinance 258

Section 1. Pistol and Revolver Defined. The word "pistol" or "revolver," as used in this ordinance, shall be construed as meaning any firearm with a barrel less than twelve (12) inches long.

Section 2. Purchase of Pistol—Permit Required. It shall be unlawful and an offense for any person to purchase, receive, or accept in any manner any revolver, pistol or other like firearm within the City of Midwest City without first having obtained a written permit from the Chief of Police of the City of Midwest City, authorizing such person to receive or accept such revolver, pistol or other like firearm.

Section 3. Sale to Person Without Permit—Exception. No person, firm or corporation shall sell, deliver, barter or give, or otherwise transfer a pistol, revolver or other like firearm within the City of Midwest City to any person who is not the holder of a written permit from the Chief of Police of Midwest City authorizing such person to purchase, receive or accept such revolver, pistol or other like firearm; and in no case shall any person, firm or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the Chief of Police of Midwest City * * *.

Section 11. Sales After 5:00 O'clock Prohibited. It shall be unlawful and an offense for any person, firm, or corporation to purchase, receive or accept in any manner, or to barter or give away any pistol, revolver, or other like firearm, as defined herein, between the hours of 5:00 o'clock P. M. and 8:00 o'clock A. M.

Moore

Sec. 14-31. Unlawful weapons prohibited. It shall be unlawful for any person to carry upon or about his person any pistol, revolver * * * or any other offensive or defensive weapon, except as herein provided.

Sec. 14-32. Not to sell unlawful weapons to minors. It shall be unlawful for any person to sell or give to any minor any of the arms or weapons designated in section 14-31.

Muskogee

18-7. Application for purchase of weapons. (a) All persons handling, selling or offering for sale, transferring or delivering any pistol, revolver, * * * or any similar dangerous or deadly weapon capable of being carried or concealed upon the person, shall, at the time of the sale or delivery thereof to any purchaser or other person receiving such a weapon, require the purchaser or other person receiving the same to sign and swear to an application [contact local authorities for required contents] * * *. The dealer or person selling or delivering any such weapon shall, at

the time of the sale or delivery to such purchaser, require that the application have shown thereon, for the purpose of identification, the fingerprints of the purchaser.

(b) It shall be the duty of all persons subject to the provisions of this section to deliver to the police department of the city, not later than the day following any delivery or sale of any weapon hereunder, the application containing the information above required and the signature and fingerprints of the purchaser.

(c) The provisions of this section shall not apply to the sale, delivery or transfer of weapons between individuals who are not dealers therein, nor shall the provisions hereof apply to weapons commonly and usually used in hunting game and not capable of being carried concealed about the person.

Oklahoma City

Sec. 21-47. **Pistol defined.** As used herein:

Pistol shall mean any pistol, revolver, or like firearm with a barrel less than twelve (12") inches long.

Transfer shall mean any transfer, sale, gift, barter or delivery.

* * * * *

Sec. 21-53. **Receipt of pistol; permit required.** No person shall purchase, receive, or accept in any manner any pistol without first having obtained a written permit from the Chief of Police authorizing the person to receive or accept the pistol.

Sec. 21-54. **Transfer of pistol to person without permit. (a) Transfer without permit.** No person shall transfer a pistol to any person who is not a holder of a written permit from the Chief of Police authorizing the person to purchase, receive or accept the pistol.

(b) Delivery of pistol only after Police approval. No person shall deliver a pistol to the person to whom it is to be transferred until approved by the Chief of Police in the manner provided in this Division.

Sec. 21-56. **Persons ineligible for pistol permit; investigation.** The Chief of Police shall refuse to issue the permits described in Sections 21-53 and 21-55 to all persons having been convicted of a felony under the laws of the State, or of any other state, or of the United States, and to all minors, drug addicts, unnaturalized foreign born persons and such other persons as he has reasonable cause to believe are not of sound mind. If the Chief of Police shall be satisfied after an investigation that the applicant is a suitable person of sound mind and discretion and of good moral character, and that the pistol is to be used for lawful purposes, he shall issue the applicant a written permit authorizing him to purchase, receive or accept the pistol.

Sec. 21-57. **Register of pistol permits.** The Chief of Police shall at all times keep on file in his office a register containing the name, address, and description of all persons to whom a permit has been granted under this Division.

Sec. 21-58. **Transfer of pistols to be reported; separate offense for each day of failure to report.** Every person who transfers to any person, except to regular dealers in these articles, any pistol shall, within twenty-four (24) hours after making the transfer, make and file with the Chief of Police a legible report, written in the English language, stating the date of the transfer, the correct name, age, residence, height, weight, color of hair, eyes, race and nationality of the transferee. This written report shall also contain the make, kind, description, caliber, model, manufacturer's number, or other marks of identification of the pistol transferred. Each day of failure to make this report shall be a separate offense.

Sec. 21-59. **Transfers of pistols.** No person shall purchase, receive or accept in any manner, or transfer any pistol between 5:00 P.M. and 8:00 A.M.

21-62. Antique pistols excepted. Nothing contained in this Division shall be deemed to apply to antique pistols which are incapable of being used as pistols.

Shawnee

48-3. Sale of weapons to minors prohibited. It shall be unlawful for any person in the city to sell to any minor any of the arms or weapons enumerated in section 48-1. It shall be unlawful for any person, in the city to sell to a minor any rifle, shotgun or any firearm of any character without a written consent of parent or guardian of such minor.

48-6. "Pistol" and "revolver" defined. The words "pistol" and "revolver", as used in this article, shall be construed as meaning any firearm with a barrel less than twenty inches long.

48-7. Applicability of article. Nothing contained in this article shall be in any manner construed as a permit to carry such revolver, pistol or similar firearm contrary to any regulation of the city or the laws of the state.

Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

48-8. Permit to purchase, receive, etc.—Required. No person shall purchase, receive or accept in any manner any revolver, pistol or other similar firearm within the city, without first obtaining a written permit from the chief of police authorizing such person to receive or accept such revolver, pistol or other similar firearm.

48-12. Sale of pistols, revolvers, etc. (a) No person shall sell, deliver, barter, give or otherwise transfer a pistol, revolver or other similar firearm within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such revolver, pistol or other similar firearm; and in no case shall any person deliver a pistol or revolver or other similar firearm to the person to whom it is to be sold or transferred until approved by the chief of police in the manner provided in this chapter.

* * * * *

(c) It shall be the duty of any person who sells, transfers or gives away any pistol, revolver or similar firearm as provided in this section, at the time such sale, gift or delivery is made, to require the holder of the required permit to deliver the permit to such person who sells, transfers or gives away any pistol, revolver or similar firearm; and it shall be the duty of any such person who sells, transfers or gives away any pistol, revolver or similar firearm to deliver such permit to the chief of police at the time the report of such sale or gift is made.

Tulsa

Section 441. Pistol Defined. The term "pistol" as used herein shall mean and include any firearm with a barrel or barrels less than sixteen (16) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a projectile composed of any material which may reasonably be expected to cause lethal injury, but not including flare guns or blank pistols.

Section 442. Rifle Defined. The term "rifle" as used herein shall mean any firearm with a barrel or barrels more than sixteen (16) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury; but shall not include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

Section 443. Shotgun Defined. The term "shotgun" as used herein shall mean and include any firearm with a barrel or barrels more than eighteen (18) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury. Any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

Section 452. Firearms - Furnishing to Convicted Felons, Incompetents or Persons Under the Influence of Alcohol or Drugs. It shall be unlawful for any person to know-

ingly sell, trade, give, transmit, or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, individual under the influence of alcohol or drugs or who is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this Section prominently in full view at or near the point of normal firearm sale, trade or transfer.

Section 453. Firearms—Furnishing to Incompetents or Insane Persons. It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane.

Section 456. Weapons - Selling to Minors. It shall be unlawful for any person to sell or give to any minor any of the arms or weapons designated in Section 455 (pistol, revolver).

Section 460. Weapons - Sale Procedure. All persons trading, selling or offering for sale any pistol, revolver, shotgun or weapon, as defined in this Chapter, capable of being carried concealed upon the person shall, at the time same are sold or delivered require the person receiving or purchasing same to sign an application for such purchase upon blanks to be furnished by the City of Tulsa Police Department to dealers. [contact local authorities for required contents] * * *. The dealer shall, at the time of sale or delivery, require purchaser to make and leave with such dealer, a record of such purchaser's fingerprints which shall be made on suitable blanks furnished to dealer by the City of Tulsa Police Department. * * *

The provisions of this Section shall not apply to the sale or transfer of pistols, revolvers, shotguns or weapons between individuals who are not dealers in same; nor to their sale when used in hunting game and which are not capable of being carried concealed upon the body of the person carrying same.

Vinita

Sec. 14-58. Selling weapons and cartridges and dangerous articles to minors. It shall be unlawful for any person to sell, barter, give or furnish to any minor, any blank or loaded cartridges, or any pistol, revolver, toy or other thing made for the purpose of exploding any blank or loaded cartridges.

* * * * *

Oregon

State Law

Ore. Rev. Stat.

164.055 * * *(b) **"Firearm"** means a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder or smokeless powder and which is readily capable of use as a weapon.

* * * * *

166.210 Definitions for ORS 166.230 to 166.470. As used in ORS 166.230, 166.250 to 166.270, 166.280, 166.290 and 166.410 to 166.470:

(1) "Pistol," "revolver" and "firearms capable of being concealed upon the person," apply to and include all firearms having a barrel less than 12 inches in length.

(2) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure on the trigger device.

166.250 Unlawful possession of weapons. (1) Except as otherwise provided in this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, any person who possesses or has in his possession any machine gun, or carries concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person, without having a license to carry such firearm as provided in ORS 166.290, is guilty of a misdemeanor, unless he has been convicted previously of any felony or of any crime made punishable by this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, in which case he is guilty of a felony.

(2) This section does not prohibit any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business is required of any such citizen.

(3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

166.260 Persons not affected by ORS 166.250. ORS 166.250 does not apply to or affect:

(1) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers.

(2) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so summoned is actually engaged in assisting the officer.

(3) The possession or transportation by any merchant of unloaded firearms as merchandise.

(4) Members of the Army, Navy or Marine Corps of the United States, or of the National Guard, when on duty.

(5) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(6) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organizations.

(7) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(8) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

166.270 Certain exconvicts forbidden to possess arms. (1) Any person who has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the Government of the United States, who owns, or has in his possession or under his custody or control any pistol, revolver, or other firearms capable of being concealed upon the person, or machine gun, commits the crime of exconvict in possession of a firearm.

(2) For the purposes of this section, a person "has been convicted of a felony" if, at the time of his conviction for an offense, that offense was a felony under the law of the jurisdiction in which it was committed. Provided, however, that such conviction shall not be deemed a conviction of a felony if:

(a) At the time of conviction, and pursuant to the law of the jurisdiction in which the offense occurred, the offense was made a misdemeanor by the type or manner of sentence actually imposed; or

(b) The offense was for possession of marijuana.

(3) Subsection (1) of this section shall not apply to any person who has been convicted of only one felony under the law of this state or any other state, or who has been convicted of only one felony under the laws of the United States, which felony did not involve

the possession or use of a firearm, and who has been discharged from imprisonment, parole or probation for said offense for a period of 15 years prior to the date of alleged violation of subsection (1) of this section.

(4) Exconvict in possession of a firearm is a Class C felony.

Sale or transfer of firearms

166.410 Manufacture, importation, sale, gift, loan or possession of firearms. Any person who manufactures or causes to be manufactured within this state, or who imports into this state, or keeps, offers, exposes for sale, gives, lends or possesses a pistol, revolver or machine gun, otherwise than in accordance with ORS 166.230, 166.250 to 166.270, 166.280, 166.290 and 166.420 to 166.470, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.420 Register of transfers of concealed weapons; form and content of register and by whom to be maintained.

* * * * *

(2) The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign, his name and affix his address to the register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signature of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor.

* * * * *

166.430 Licenses to sell at retail. Licensing authorities of any city, county, town or other municipality within this state may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed where it can easily be read by the customer.

(3) Before any pistol or revolver shall be delivered:

(a) One hundred twenty hours shall have elapsed after application for the purchase and the register entries required by ORS 166.420 have been completed; and

(b) The purchaser either is personally known to the seller or presents clear evidence of his identity.

(4) No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in or on any part of the premises where it can readily be seen from outside the premises.

(5) When a pistol or revolver is delivered it shall be unloaded and securely wrapped.

166.440 Unlicensed persons selling or advertising for sale concealable firearms. Any person who, without being licensed as provided in ORS 166.430, engages in the business of selling or otherwise transferring, or who advertises for sale or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, is guilty of a misdemeanor.

166.460. Antique firearms excepted. ORS 166.230, 166.250 to 166.270, 166.280, 166.290, 166.410 to 166.450, and 166.470 do not apply to antique pistols or revolvers incapable of use as such.

166.470 Limitations and conditions for sales of concealable firearms. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by ORS 166.270 from owning or possessing such firearms, nor to any minor under the age of 18 years. Such firearm shall not be delivered to the purchaser on the day of the application for its purchase, and when delivered it shall be securely wrapped and unloaded. When neither party to the transaction holds a dealers' license, the vendor shall not sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Violation of this section is a misdemeanor.

166.480 Sale or gift of explosives and firearms to children. Any person who sells, exchanges, barters or gives to any child, under the age of 14 years, any explosive article or substance, other than an ordinary firecracker containing 10 grains of gunpowder; or who sells, exchanges, barters or gives to any such child any firearms, or other device of a like kind, ordinarily used or ordinarily capable of being used in discharging gunpowder in a greater quantity than 10 grains; or who sells, exchanges, barters or gives to any such child, any instrument or apparatus, the chief utility of which is the fact that it is used, or is ordinarily capable of being used, as an article or device to increase the force or intensity of any explosive, or to direct or control the discharge of any such explosive, is guilty of a misdemeanor.

166.490 Purchase of firearms in certain other states. (1) As used in this section, unless the context requires otherwise:

(a) "Contiguous state" means California, Idaho, Nevada or Washington.

(b) "Resident" includes an individual or a corporation or other business entity that maintains a place of business in this state.

(2) A resident of this state may purchase or otherwise obtain a rifle or shotgun in a contiguous state and receive in this state or transport into this state such rifle or shotgun, unless the purchase or transfer violates the law of this state, the state in which the purchase or transfer is made or the United States.

(3) This section does not apply to the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

(4) This section expires and stands repealed upon the date that section 922(b) (3) of the Gun Control Act of 1968 (18 U.S.C. 922(b) (3)) and regulations pursuant thereto are repealed or rescinded.

480.070 Fire bombs prohibited; exceptions. (1) No person shall possess a fire bomb. For the purpose of this section a "fire bomb" is a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having an integral wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illuminating shall be deemed to be a fire bomb for the purpose of this section.

(2) This section shall not prohibit the authorized use or possession of such fire bomb by a member of the Armed Forces of the United States or by any member of a regularly organized public fire or police department.

Corvallis

41. It shall not be lawful for any person or persons, within the limits of the city of Corvallis, to give or furnish, or sell to any minor or minors, under the age of 18 yrs. any target gun, or airgun, or pistol, or revolver, or shotgun, or any firearms, without the written order of the parent or legal guardian of such minor. * * *.

Eugene

3.440 Weapons - Conditions of License. Every license issued to a business dealing in deadly weapons or firearms is issued upon the following terms and conditions:

(b) The licensee will not sell, deliver, or otherwise transfer a pistol, revolver or other firearm capable of being concealed on the person to a person whom he has cause to believe is an alien or who has been convicted of a felony.

(c) The licensee shall not sell, deliver, or otherwise transfer a weapon to a minor under the age of 18 years.

* * * * *

(f) No pistol or revolver shall be delivered on the day of the application for the purchase, and when delivered, shall be unloaded and securely wrapped, unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Fossil

79-2. Unlawful to sell firearms, etc. That hereafter it shall be unlawful for any person or dealer in the Town of Fossil to sell, expose, or offer for sale, or in any manner furnish or dispose of to any resident of the Town of Fossil, or to any person for use in said Town, or to any minor person at any time, any blank cartridge pistol or revolver, or any blank cartridges, or any of the explosives, firecrackers, or fireworks, the use of which is prohibited in Section 1 of this Ordinance.

Gresham

Ordinance 806

* * * * *

Section 2. Any person, firm or corporation within the City of Gresham dealing in the sale of firearms, particularly pistols, revolvers, rifles and other firearms must secure a City of Gresham Business License as well as adhere to all State and Federal Firearms Regulations.

* * * * *

Klamath Falls

Chapter 47

Article III Record of Receipt of Secondhand Firearms

* * * * *

Sec. 47-9. Required; contents. The owner or manager, of a business establishment, such as hardware stores, sporting goods stores and general merchandise stores, which receive from customers secondhand firearms, such as shotguns, rifles, pistols and revolvers, (air rifles excluded) in trade or exchange for merchandise or for cash shall keep a record, on blanks to be furnished by the city, containing (the information required under Sec. 47-9; contact local authorities for required entries) ***

The customer delivering or trading such article shall sign his name and enter his address on the report in a legible manner. The owner or the manager of such business establishment shall prepare such record and report at the time the transaction takes place.

Article IV. Teargas, etc., Guns.

Sec. 47-13. Sale, offering for sale, etc., prohibited. No person shall sell, offer for sale or give away, either as the owner or the agent of the owner thereof, any gun or device which can be carried on or about a person and used for the purpose of releasing gas, fumes or liquids to blind or impair the eyesight or sicken or disable a human being. Such gun or device is hereby declared to be a dangerous weapon.

Lane County

Ordinance 1-77
License for retail sale of firearms

3.501 License Required. No person shall engage in the business of the retail sale of pistols, revolvers or other firearms capable of being concealed on the person, within the unincorporated areas of Lane County, unless such person holds a valid license issued under this subchapter.

3.510 Planning and Public Safety Approvals. No license shall be granted under this subsection until the location of the proposed retail establishment has been certified to be in conformity with land use regulations by the Planning Division or its designee and until the Sheriff has certified that he has no information which would indicate that the applicant has been convicted within five years preceding the date of application of a felony or Class A misdemeanor. If the applicant is a corporation, the Sheriff shall make the required certification as to each officer thereof. If the applicant is an association, firm, or partnership, the Sheriff shall certify as to each member thereof.

* * * * *

(See local requirements for details of application, investigation, approval, revocation, and appeal.)

Myrtle Creek

5-6.5. (e) Sales to intoxicated persons and minors. No person shall purchase from or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Oregon City

6-4-1: Definitions: (A) As used in this Chapter, "firearm" means a pistol, revolver, gun, rifle or other ordnance, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air. *****

(C) "Deadly weapon" means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury.

6-4-7: Sale or Distribution of Miniature Firearms and Ammunition: It is unlawful for any person to give, furnish, loan, sell, offer for sale, or distribute any miniature pistol, firearm, or instrument capable of receiving or discharging any cartridge, charge of powder, or other explosive or any ammunition therefor, within the City.

6-4-9: Sale or Distribution of Deadly Weapons or Ammunition to Minors; Possession By Minors: It is unlawful for any person to give, furnish, loan or sell to any minor under eighteen (18) years of age any deadly weapon as defined in 6-4-1, and it is unlawful for any person to give, furnish, loan or sell any ammunition to any minor to be used or capable of being used in any deadly weapon as defined in 6-4-1; and it is unlawful for any such minor to have any such deadly weapon or ammunition in his or her possession; and it shall be unlawful for any parent or guardian of any minor to permit such minor to have such a deadly weapon or ammunition in his or her possession, except that in the case of concealable deadly weapons, such as pistol or revolver, it is unlawful to sell these weapons to anyone under the age of twenty-one (21) years.

6-4-10: Licenses to Sell At Retail: Licensing authorities of Oregon City may grant licenses in form prescribed by the Attorney General of the State of Oregon, effective for not more than one year from date of issue, permitting the licensee to sell at retail within Oregon City pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture: *****

(C) Before any pistol or revolver shall be delivered:

1. One hundred twenty (120) hours shall have elapsed after application for the purchase and the register entries required by ORS 166.420 have been completed; and

2. The purchaser either is personally known to the seller or presents clear evidence of his identity. *****

6-4-11: Unlicensed Persons Selling * Concealable Firearms:** It is unlawful for any person, without being licensed as provided in 6-4-10, to engage in the business of selling or otherwise transferring, *** any pistol, revolver or other firearm capable of being concealed upon the person.

Portland

14.32.030 Gas bombs. (a) As used in this section, "gas" includes all liquid, gaseous or solid substances intended to produce temporary physical discomfort, permanent injury or a noxious odor by being vaporized or otherwise dispersed in the air.

(b) It is unlawful for any person to possess or transport in the city any form of shell, cartridge or bomb containing and capable of emitting gas, or any weapon designed for using such shell, cartridge or bomb.

(c) This section does not apply to peace officers or members of the armed forces of this state or of the United States when possessing or transporting such shells, cartridges or bombs for official use.

14.32.040 Explosives and fire bombs. (a) As used in this section:

(1) "Explosives" means any substance or material that on ignition by heat, impact, friction or detonation will explode with such force as to injure a person or damage property in the immediate vicinity of the explosion.

(2) "Fire bomb" means a breakable container containing a flammable liquid or jelly with a flash point of 150 degrees Farenheit or less, that is capable of being ignited by an integral wick or similar device or that is capable of being ignited if the container is broken by impact, but no device commercially manufactured primarily for the purpose of illumination shall be deemed a fire bomb.

(c) It is unlawful for any person, other than a peace officer or a member of the armed forces of this state or of the United States, to use, possess or have under his control an explosive or fire bomb.

(d) This section does not apply to the possession of explosives or fire bombs otherwise authorized by this code or Oregon law.

* * * * *

Springfield

8-20-1 Definition. A weapons dealer is any person engaged in the business of selling or offering for sale at retail rifles, pistols, revolvers, derringers, or other weapons or firearms of like character.

* * * * *

8-20-2 Licenses. It shall be unlawful for any person to engage in a business as a weapons dealer without first having obtained a license from the city recorder to do so.

8-20-5 Condition of License. Every license issued to a business dealing in weapons is issued upon the following terms and conditions: * * *

(b) The licensee will not sell, deliver, or otherwise transfer a pistol, revolver or other firearm capable of being concealed on the person to a person whom he has cause to believe is an alien or who has been convicted of a felony.

(c) The licensee shall not sell, deliver or otherwise transfer a weapon other than a shotgun or rifle to any person who is under the age of 21 years, nor a shotgun or rifle to any person who is under the age of 18 years, nor any weapon to any person who is intoxicated or under any obvious abnormal mental condition. * * *

(f) No pistol or revolver or other firearms capable of being concealed on the person shall be delivered sooner than 120 hours after the application for the purchase and, when delivered, shall be unloaded and securely wrapped. * * *

Umatilla

Ordinance 371 adopts Chapters 161-167 of the Oregon Criminal Code of 1971 by reference. This includes Oregon Revised Statutes 166.005 through 166.645—Offenses against public order; firearms and other weapons.

Pennsylvania

State Law

Pa. Stat. Ann. (Purdon's)

Uniform Firearms Act

Title 18

Sec. 908. Prohibited offensive weapons. (a) Offense defined.—A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells or otherwise deals in, uses, or possesses any offensive weapon.

(b) **Exception.** —It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negativing any intent or likelihood that the weapon would be used unlawfully.

(c) **Definition.** —As used in this section "offensive weapon" means any bomb, grenade, machine gun, sawed-off shotgun, firearm specially made or specially adapted for concealment or silent discharge * * * or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

Sec. 6102. Definitions. Subject to additional definitions contained in subsequent provisions of this subchapter which are applicable to specific provisions of this subchapter, the following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Firearm." Any pistol or revolver with a barrel less than 12 inches, any shotgun with a barrel less than 24 inches, or any rifle with a barrel less than 15 inches.

"Crime of violence." Any of the following crimes, or an attempt to commit any of the same, namely: murder, rape, aggravated assault, robbery, burglary, entering a building with intent to commit a crime therein, and kidnapping.

Sec. 6105. Former convict not to own a firearm, etc. No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

Sec. 6110. Persons to whom delivery shall not be made. No person shall deliver a firearm to any person under the age of 18 years, or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Sec. 6111. Sale of firearms. (a) Time and manner of delivery.—No seller shall deliver a firearm to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said firearm shall be securely wrapped and shall be unloaded.

(b) Statement to be signed by purchaser.—At the time of applying for the purchase of a firearm, the purchaser shall sign in quadruplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased, and a statement that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence. * * *

(c) Exemption.—This section shall not apply to sales at wholesale.

Sec. 6112. Retail dealer required to be licensed. No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm without being licensed as provided in this subchapter.

Sec. 6113. Licensing of dealers. (a) **General rule.** —The chief or head of any police force or police dapartment of a city, and, elsewhere, the sheriff of the county, shall grant to reputable applicants licenses, in form prescribed by the Pennsylvania State Police, effective for not more than one year from date of issue, permitting the licensee to sell firearms direct to the consumer, subject to the following conditions in addition to those specified in section 6111 of this title (relating to sale of firearms), for breach of any of which

the license shall be forfeited and the licensee subject to punishment as provided in this subchapter:

(1) The business shall be carried on only in the building designated in the license.

(2) The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No firearm shall be sold in violation of any provision of this subchapter.

(4) No firearm shall be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(5) A true record in triplicate shall be made of every firearm sold, in a book kept for the purpose, the form of which may be prescribed by the Pennsylvania State Police, and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the information required by section 6111 of this title.

* * * * *

Sec. 6115. Loans on, or lending or giving firearms prohibited. No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this subchapter.

Sec. 6117. Altering or obliterating marks of identification. (a) Offense defined.—No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm.

(b) Presumption.—Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

Sec. 6118. Antique firearms. This subchapter shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

Sec. 6120. Limitation on municipal regulation of firearms. (a) General rule.— No county, municipality or township may in any manner regulate the lawful ownership, possession or transportation of firearms when carried or transported for purposes not prohibited by the laws of this commonwealth.

(b) Definition —For the purposes of this section, the term "firearms" shall not include "air rifles" as defined in section 6304 (relating to sale and use of air rifles).

Sec. 6141. Purchase of firearms in contiguous states. (a) General rule.—It is lawful for a person residing in this Commonwealth, including a corporation or other business entity maintaining a place of business in this Commonwealth, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this Commonwealth and to receive or transport such rifle or shotgun into this Commonwealth.

(b) Applicability of section.—(1) This section applies to residents of this Commonwealth who obtain rifles or shotguns from a state contiguous to this Commonwealth in compliance with the Gun Control Act of 1968, State laws and local ordinances.

(2) This section shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by Federally licensed firearms manufacturers, importers, dealers or collectors.

(c) Definitions.—(1) As used in this section the term "a state contiguous to this Commonwealth" means any state having a common border with this Commonwealth.

(2) The other terms used in this section shall have the meanings ascribed to them by Public Law 90-618 known as the "Gun Control Act of 1968."

Sec. 6302. Sale or lease of weapons and explosives. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells or causes to be sold or leases to any person under 18 years of age any deadly weapon, cartridge, gunpowder, or other similar dangerous explosive substance.

(b) Exception.—The provisions of subsection (a) of this section shall not prohibit hunting by minors under 18 years of age permitted under provisions of The Game Law.

6303. Sale of starter pistols. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells, causes to be sold, gives or furnishes to any person under the age of 18 years, or if he, being under the age of 18 years, purchases, accepts, receives or possesses, any pistol commonly referred to as "starter pistol" specially designed to receive and discharge blank cartridges only or similar pistol.

(b) Exception.—Nothing in this section shall prohibit the use of starter pistols for the purpose of starting or officiating at athletic events, use in dramatic productions, or other similar events.

7306. Incendiary devices. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he owns, manufactures, sells, transfers, uses or possesses any incendiary device or similar device or parts thereof, including but not limited to a "molotov cocktail."

(b) Exception.—The provisions of subsection (a) of this section shall not apply to authorized personnel of the United States, the Commonwealth or any political subdivision, who use incendiary devices as part of their duties.

(c) Definition.—As used in this section the phrase "incendiary device," means any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

Mental Health—Retardation

Title 50

Sec. 4605. Penalties. * * *

(2) It shall be unlawful for anyone to directly or indirectly, sell, give or furnish to any person admitted, committed or detained in a facility, any weapon or other instrument which may be used to inflict injury unless the instrument is a tool of the activity in which the person has permission to engage.* * * * *

Abington Township

Sale or furnishing weapons to persons under the age of eighteen years. 2. Whoever knowingly and wilfully sells or causes to be sold, or supplies or furnishes to any person under eighteen (18) years of age any rifle * * * of any description in the Township of Abington, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment in the County Jail not exceeding ten (10) days.

Caernarvon Township

Section 2A. No person shall sell or offer to sell or carry, store or discharge any explosives, handgrenades, molotov cocktails or any incendiary of whatsoever kind or nature within the geographic limits of the Township of Caernarvon; * * *

California Borough

4-4. Sales to intoxicated persons and minors. No person in the Borough shall sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant or to any person in a condition of agitation and excitability, or to minor under the age of 18 years.

Clifton Heights Borough

1. That it shall be unlawful and it is hereby prohibited for any person, persons, firm or corporation to store, sell, offer or expose for sale at retail, use or discharge, or have in their possession with intent to sell at retail or with

intent to use or discharge and/or to use or discharge within the limits of the Borough of Clifton Heights any * * * pistol, starter guns, blank guns, * * *. "At retail" shall mean any sale of less than one dozen such articles, or any sale to anyone not a bona fide dealer therein.

Geistown Borough

B. Handguns to be Stored in a Safe. Any person, proprietor, owner, partner, or officer of any corporation, of any store or place of business located within the Borough of Geistown, who sells or has for sale any hand guns of any brand, make or description, shall provide a proper safe for the storage of said hand guns during the hours in which the store or place of business is not open for business; and said persons shall be charged with the duty and responsibility of seeing that said hand guns shall be placed in said safe during the hours when the store or place of business is not opened for business.

C. Approval of Safe. The required safe shall be of such size, capacity and nature so as to reasonably prevent larceny of said hand guns and shall be approved by the Chief of Police of Geistown Borough and same shall be subject to inspection by the Chief of Police from time to time.

Harrisburg

771.01 Possession of Firearms by Minors. No minor under the age of eighteen years shall have in his possession, except in his place of residence, any firearm, flobert rifle, * * * or any implement which impels with force a metal pellet of any kind, unless such minor is accompanied by an adult.

Lower Moreland Township

3. Sale of Certain Weapons to Persons Under Age of 18 Prohibited. It shall be unlawful for any person within the Township of Lower Moreland knowingly and wilfully to sell or cause to be sold, to any person under the age of eighteen (18) years, any rifle, air rifle or air gun, pistol or firearm of any description.

4. Persons Under Age of 18 not to Purchase or Possess Certain Ammunition or Pellets; Exception. It shall be unlawful for any person under the age of eighteen years, unless acting under the supervision of and in the presence of his or her parent or guardian, within the Township of Lower Moreland, to purchase or possess any pellets or shot for an air gun or ammunition for a rifle or other firearm.

5. Restrictions on Sale or Furnishing of Ammunition or Pellets to Persons Under Age of 18. It shall be unlawful for any person within the Township of Lower Moreland to sell, furnish or give any * * * ammunition for a rifle or other firearm to any person under eighteen years of age, unless such minor receiving such shot, pellets or ammunition shall be accompanied by and shall act under the supervision of his or her parent or guardian.

Lower Yoder Township

Ordinance 15
4:1:d

Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years.

Marcus Hook Borough

The Borough Council of the Borough of Marcus Hook does ordain: 1. That it shall be unlawful for any person or persons to use and/or sell * * * guns of any nature which expel, shot or project a bullet, pellets, shot or any article whatsoever by use of air or otherwise within the limits of the Borough of Marcus Hook.

McKeesport

1. * * * it shall be unlawful for any person or persons, firm or corporation to engage in the sale, barter or trade of revolvers or pistols without first obtaining a license from the Mayor of the City of McKeesport to so engage in this business, * * *

2. It shall be unlawful for any person or persons, firm or corporation to sell to any individual any revolver or pistol without prospective purchaser first having secured a permit from Police Department showing the name of the prospective purchaser, together with said prospective purchaser's address and occupation.

Monongahela

Section 1. * * * no license or permit shall be granted to any person or persons for the purchasing transfer or bartering of revolvers and pistols in the City of Monongahela until and unless the purchaser shall have been finger-printed by the Chief of Police or officer designated by the Mayor for that purpose, and shall have furnished to said Chief of Police or designated officer a recent photograph of himself, of a size as prescribed by Chief of Police, and such description of himself as may be necessary adequately to describe said person, which said data and Bertillion measurements shall be kept as a record by the Police Department.

Mt. Lebanon Township

3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, unless they, or it, shall have first received a written license so to do, signed by the Township Manager of said Township. * * *

Mt. Oliver Borough

5. No person other than duly authorized personnel of the Borough, City, County, State or Federal law enforcement agencies, shall carry, sell, or display, barter, loan, give away, transfer, transport, discharge, or use any weapon, ammunition or explosive device of any kind or nature whatsoever including firearms, * * * bombs, missiles or any other weapon or device designed or intended to inflict bodily harm or injury to property at any place within the Borough.

Philadelphia

10-814. Acquisition or transfer of firearms. (1) Definition.

(a) Firearm. Any rifle, pistol, revolver, gun or shotgun.

(b) Department. Department of Licenses and Inspections.

(2) Prohibited conduct. No person shall acquire or transfer any firearm in the City, and no person shall acquire a firearm outside of the City, which is brought into the City, unless application has been made to, and license obtained from, the Department.

(4) License. (a) No license shall be issued unless the Police Department, after due investigation, approves the application.

(5) Duty of transferor or vendor.

(a) No transferor or vendor shall give, transfer, sell or deliver possession of any firearm to any person unless the transferee or vendee supplies to the transferor or vendor the required license for the scrutiny of the vendor or transferor.

(b) If no manufacturer's number of the firearm appears on the license, the transferor

or vendor shall insert said number in the designated space, and shall forthwith notify the Police Department of the sale or transfer of the particular firearm and advise the Police Department of the manufacturer's number of said firearm which was inserted on the license.

(6) Exclusions. No license shall be required under this section:

(a) by any governmental agency which owns or acquires firearms; or

(b) for transfer of firearms between a manufacturer and a duly licensed dealer, or between one licensed dealer and another dealer, in their usual course of business; or

(c) for licensed pawnbrokers, accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time a license shall be obtained for the sale or transfer, as provided herein.

9-606. Ammunition. (2) Definitions. In this Section, the following definitions apply: (a) Ammunition. Any material used in discharging any type of firearm or any projectile discharged by said firearm. (b) Minor. Any person under the age of 18 years.

(3) Prohibitions. (a) Any person engaged in the business of selling ammunition shall be required to comply with the following: * * *

(b) No person shall sell, give or deliver any ammunition to minors; provided, that this Section shall not apply to ammunition supplied by a parent or guardian to his child or children, for lawful purposes.

(c) No person shall sell any ammunition which can be used in pistols, revolvers or other hand guns unless the purchaser produces satisfactory written identification and registers his name and address.

(4) Licenses. (a) No person shall sell any ammunition unless he first receives a license from the Department.

Rockledge Borough

Ordinance 380

Sec. 9 * * * It shall be unlawful and it is hereby prohibited for any person or persons, firm or corporation to sell, offer or expose for sale within the limits of the Borough of Rockledge, to any minor child under the age of eighteen (18) years, any gun, rifle, pistol (whether revolver or automatic) or any other type of firearm.

Ross Township

Section 3. Every person, firm or corporation, engaged in selling or offering for sale, within the limits of the Township of Ross, any fire-arm * * * shall accompany each such sale with a copy of * * * Ordinance No. 937.

Scott Township

Ordinance 316

Section 3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle * * * unless they, or it, shall have first received a written license so to do, signed by the Secretary of said Township, or his authorized agent, * * * No sale shall be permitted to any person under twenty-one (21) years of age, and a copy of this Ordinance shall be issued with each sale.

Scranton

1. * * * it shall be unlawful for any person, whether as principal or agent, to sell or otherwise dispose of any pistol, revolver, (including those for discharge of blank cartridges) * * * or other deadly weapon readily capable of concealment upon the person, unless a permit for such sale or other disposition has first been obtained from the Superintendent of the Bureau of Police in the manner hereinafter provided.

2. Every person desiring to purchase or acquire any weapon enumerated in Section 1 of this ordinance may make written application therefor * * * to the Superintendent of the Bureau of Police [contact local authorities for required contents] * * *

3. Such permit shall authorize the applicant within thirty days thereafter to purchase or otherwise lawfully acquire a weapon of the class enumerated in Section 1 of this ordinance, upon the surrender of such permit and the signing thereof for the purposes of comparison in the presence of the person selling or otherwise disposing of said weapon.

Shamokin

Sec. 52-4. Purchase, sale or discharge of fireworks, etc., prohibited; exception. From and after the passage of this ordinance, it shall be unlawful for any person or persons to purchase, sell or discharge any * * * guns, pistols, or other firearms * * * of any kind within the limits of the Borough of Shamokin (now City) unless a license for exhibition is granted for the same by the Chief Burgess (now Mayor) or the Borough Council (now City Council).

Slatington Borough

Ordinance 368

It shall be unlawful for any person or persons, firm or corporation within the corporate limits of the Borough of Slatington, Pennsylvania, to possess, deliver possession of, sell or discharge firearms, * * * or any other dangerous combustible material unless permission of the Mayor therefore is first procured in writing.

Springfield Township

Sec. 48-5. Sales to minors. It shall be unlawful to knowingly and willfully sell or cause to be sold, or supply or furnish to any minor person any rifle * * * or ammunition or pellets for the same * * * or shotguns, guns or any firearm or weapon from which a shot or other object is discharged, in the Township of Springfield.

Stowe Township

Ordinance A-458

* * * * *

Section 3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol * * *, unless they, or it, shall have first received a written license so to do. * * *. * * * No sale shall be permitted to any person under twenty-one (21) years of age, and a copy of this Ordinance shall be issued with each sale.

Swissvale Borough

1464-3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, to any person under twenty-one (21) years of age.

1579-2. Every prospective purchaser of any of the foregoing arms shall first apply to the Police Department for a permit, giving such information as to the said Department shall require, and no permit shall be issued until after three (3) days have elapsed from the date of application. No seller of said arms shall sell such arms or guns without said permit.

Upper Southampton

39.2. Whoever knowingly and willfully sells or causes to be sold or supplies or furnishes to any person under eighteen years of age, any gun, rifle, * * * or any firearm of any description in the Township of Upper Southampton, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding One Hundred ($100.) Dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment in

the County Jail for a period not exceeding thirty (30) days.

West Conshohocken Borough

Sec. 54-3. Possession of firearms for sale restricted. It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations to transfer, store, sell, offer or expose for sale or to have possession with intent to sell any gun, pistol, shotgun, rifle or other firearm within the Borough of West Conshohocken unless duly licensed according to law.

West Pottsgrove Township

Sec. 13-7. Sale of deadly weapons, etc., to minors under sixteen prohibited. It shall be unlawful for any person to knowingly and wilfully sell or cause to be sold, to any person under sixteen (16) years of age, any deadly weapon, or knowingly or wilfully to sell or cause to be sold to any such minor any cartridge, gun powder or other dangerous and explosive substance.

Williamsburg

3. It shall be unlawful for any person who knowingly and wilfully sells or causes to be sold to any person under 16 years of age, any deadly weapon or knowingly or wilfully to sell any cartridge, gun powder or other dangerous and explosive substance.

Wyomissing Borough

578-1(c) Dealing with Minors and Certain Other Persons. [No person in the Borough shall:] Purchase from, or sell, loan, give, trade, deliver or otherwise furnish any weapon described in sub-section (b) herein, or ammunition therefor, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Puerto Rico

Laws of P.R. Ann.
Title 25

Chapter 51—Weapons

* * * * *

413. Sale or transportation of machine guns. Any person who sells or keeps for sale, or offers, gives, leases, or loans, or otherwise disposes of or transports any instrument or weapon of the kind usually known as a machine gun shall be guilty of a felony. This section shall not apply to the manufacture, sale or delivery of machine guns for the use of the police and other peace officers, or for the use by officers or employees of the Government of Puerto Rico or of the United States, prisons, penitentiaries, Commonwealth or municipal jails, or for the use of the armed forces of the United States or of Puerto Rico.

415. Possession of machine gun or sawed-off shotgun. Any person who possesses or uses a machine gun, or a sawed-off shotgun, shall be guilty of a felony. This section shall not be applicable to the possession or use of machine guns in the discharge of their official duties by members of the police, by wardens, superintendents, or any of their deputies of any prison, penitentiary, district or municipal jail, or other institution for the detention of persons convicted of or charged with any offense or held as witnesses in criminal cases or any other public peace officers; nor shall it apply to the possession or use of machine guns by any person when on duty in the service of the armed forces of the United States or of Puerto Rico, or in the postal, customs, and immigration services of the United States or in any service of the Government of the United States authorized by the law of its creation to use such weapons, nor to the possession by common carriers while the latter transports them directly for delivery at any point for the use of the officers or persons above named.

Sec. 416. Possession of pistol or firearm without license. Any person who has or possesses any pistol, revolver, or other firearm without having a license therefor issued as hereinafter provided, shall be guilty of a misdemeanor (or felony) * * *

Sec. 420. Possession or sale of silencer. Any person who has in his possession, sells, or keeps for sale, loans, offers, gives or disposes of any instrument, attachment, weapon or appliance, for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, shall be guilty of a felony. The provisions of this section shall not apply to the members of the Police of Puerto Rico or the National Guard, nor to the members of the armed forces of the United States.

Sec. 421. Serial number or name of owner on firearm—Removal or defacement. Every firearm shall bear, so as not [to] be easily altered or defaced, the name of the gunsmith or the trade-mark under which the firearm shall be sold or the name of the importer, and furthermore a serial number or the full name of the owner engraved thereon. The requirement that every firearm shall have engraved thereon a serial number or the name of the owner thereof shall not apply to guns or rifles whose barrel is 18 inches long or more, nor to rifles .22 caliber or less, whose barrel is 16 inches long or more, manufactured in Puerto Rico to be exported abroad by the gunsmith himself. The gunsmith shall be under obligation to take all reasonable measures and precautions to prevent that such firearms be stolen or otherwise removed from the gunsmith's warehouses where they are stored pending shipment and that same be offered, held for sale, sold, leased, or delivered to any person within Puerto Rico.

Any person shall be guilty of a felony who:

(a) Wilfully removes, defaces, covers, alters, or destroys the serial number of any firearm or the name of the owner thereof; or who:

(b) Knowingly buys, sells, receives, alienates, transfers, carries or has in his possession any firearm from which the serial number or name of the owner thereof has been removed, defaced, altered, or destroyed; or who:

(c) Being a dealer in firearms or a gunsmith, or an agent or representative of such dealer or gunsmith, knowingly purchases, sells, receives, delivers, alienates, transfers, carries, or has in his possession any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed.

Sec. 425. License to possess firearms; weapons for farmers. The Chief of Police of Puerto Rico may, when an application therefor is presented to him by any householder, merchant, or farmer, and provided the requirements hereinafter provided for are complied with, issue to such applicant a license to have and possess a pistol or revolver, and authorizing him, if a householder, to have and possess such weapon in his residence, or if a merchant, to have and possess a weapon in his place of business, or, if a farmer, a weapon in his farm. The license provided for by this section shall not authorize to carry such weapon outside the residence, place of business or farm, as the case may be.

The Chief of Police of Puerto Rico may also issue a license to any person to have and possess a shotgun on a farm of which such person may be the owner, possessor, or administrator.

The provisions of this paragraph shall not be construed in the sense of authorizing the Chief of Police of Puerto Rico to issue li-

censes to have and possess in the same farm more than one short weapon (revolver or pistol) and a long weapon (shotgun).

Sec. 427. Grounds for refusing to issue license. The Chief of Police of Puerto Rico shall not issue a license to have and possess a firearm to any person convicted in or outside Puerto Rico of any of the following offenses or of the attempt to commit the same: murder in any degree, voluntary manslaughter, kidnapping, rape, mayhem, assault with the intent to commit murder or manslaughter, aggravated assault and battery, when such offense was committed with a cutting, piercing or fire weapon, robbery, burglary, larceny, arson, incest, or violation of sections 1247-1257 of Title 33, or violation of section 1442 of Title 33; nor to any person who is mentally unbalanced, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions hereof.

Sec. 428. Qualifications of applicant; character, fingerprints. The Chief of Police of Puerto Rico shall not issue licenses to have and possess a firearm unless the said officer is satisfied that the applicant is a person of irreproachable conduct, of good moral repute, that his fingerprints have been duly taken and/or checked with the archives of the police, and unless, in the judgment of the said officer, no reason exists to deny such application.

Sec. 430. Persons who may lawfully carry weapons. (a) The following may lawfully have, possess, bear, transport and carry weapons:

1. Members of the Armed Forces of the United States and of Puerto Rico in the discharge of their duties as such and under the provisions of the laws and regulations of their respective organizations.

2. The members of the Police of Puerto Rico under the provisions of the regulations of the said organization.

3. The Superintendent of Prisons, heads of Commonwealth penitentiaries and jail wardens, under the regulations provided by the Secretary of Justice.

4. Penal guards and convict guards, under the regulations provided by the Secretary of Justice.

5. United States customs and immigration officials, while in the discharge of their duties.

(b) A revolver or pistol may be lawfully owned, possessed, borne, transported, and carried by:

1. The judges and prosecuting attorneys of the courts of justice.

2. Any officer of the Government of Puerto Rico when a permit to carry firearms should, in the opinion of the Chief of Police of Puerto Rico, be issued to the said officer by reason of the duties of his position and the said permit is issued to him by the Chief of Police of Puerto Rico.

3. Mail carriers in the performance of their duties.

4. The marshals and deputy marshals of any tribunal or court.

5. Carriers of public funds while such funds are in their custody.

6. Carriers of private funds and custodians of private funds in banking institutions while such funds are in their custody, upon issuance to them of a permit by the Superior Court of Puerto Rico, before which such carriers or custodians, or their employers, shall have justified their need for such permit.

7. Internal-revenue collectors and agents while in the performance of their duties and provided they have been so authorized by the Chief of Police of Puerto Rico at the request of the Secretary of the Treasury of Puerto Rico to carry a revolver or a pistol.

(c) No person shall be authorized to carry firearms under subdivision (b) of this section if such person is not authorized to own and possess firearms under sections 425, 426, 427, 428 and 429 of this title.

(d) The provisions of this section shall not be interpreted as authorizing the use of firearms in violation of the law.

Sec. 432. License to sell or deal in firearms and ammunition; report of transactions. (a) No person may engage in the business of gunsmith or dealer in firearms and ammunition without having a license therefor issued by the Secretary of the Treasury, upon favorable report of the Police Superintendent of Puerto Rico.

* * * * *

(b) The provisions of subdivision (a) above shall likewise be applicable to dealers who introduce firearms and ammunition into Puerto Rico.

(d) Any dealer in firearms and ammunition who holds a license issued in accordance with this chapter may acquire a firearm registered in the Weapons Register under the provisions of subdivisions (a), (b) and (d) of section 439 of this title, by purchase from the person who has it registered in his name, provided such person has a license to have and possess said firearms, issued in accordance with this chapter. Before a firearm is sold under the provisions of this subdivision, both the vendor and the vendee shall give notice thereof in writing to the Chief of Police, and the former shall deliver to said officer his license to have and possess a firearm. The sale of a firearm under the provisions of this subdivision shall not prevent the vendor from obtaining a new license to have and possess a firearm in accordance with this chapter.

Sec. 434. Qualifications of dealer applicant. No license as gunsmith or dealer in firearms and ammunition shall be issued to a person not over 21 years of age, and not a citizen of Puerto Rico and of the United States.

Sec. 436. Conditions for dealers' operations; records of transactions. Any person, partnership or corporation, to whom or to which a license has been issued under the foregoing sections may engage in the retail sale of firearms and ammunition or in the gunsmith business, under the following conditions:

1. The business shall be operated only on the premises specified in the license.

2. The license, or a copy thereof, certified by the authority issuing the same, shall be posted in the establishment so that it may be easily read.

3. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer, or the latter clearly establishes his identity. This requirement shall not apply to gunsmith businesses as regards firearms and/or ammunition for export.

4. A record in triplicate shall be kept of each firearm sold and of each sale of ammunition, on books devoted to this purpose which shall be printed in the manner prescribed by the Chief of Police of Puerto Rico, and the record of each sale shall be personally signed by the buyer and by the person making the sale, each in the presence of the other; and such record shall set forth [such information as is required under the laws of Puerto Rico; contact authorities for requirements] * * * Said record shall also set forth if the buyer is personally known to the vendor, and in case he should not be, the manner in which the buyer accredited his identity. * * *

* * * * *

7. Any dealer in firearms or ammunition to whom a license may have been issued under the provisions of this section, who fails to keep the records and books herein required, or who fails to demand the presentation of a license to have and possess a firearm in cases where the presentation of such license is required by this chapter, shall be guilty of a misdemeanor; and when such dealer in firearms or ammunition sells or delivers a firearm to any person to whom a license to have and possess a firearm in accordance with the provisions of section 425 of this title has not been issued, shall be guilty of a felony. * * *

Sec. 437. Acquisition of weapons by persons authorized in section 430. The officials and persons lawfully authorized to have, possess, carry, convey and transport firearms under the provisions of subdivision (a) and paragraphs 4, 5 and 7 of subdivision (b) of section 430 of this title, shall obtain such weapons and the ammunition therefor through the heads of their respective departments or services.

Sec. 438. Sales of weapons and ammunition without licenses prohibited; sales slips. No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the lat-

ter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser [any] other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the sales slip, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the sales slip has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase, and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a license to carry, or a license to have and possess a firearm.

Sec. 445. Hunting and target shooting arms excepted. The provisions of this chapter shall not apply to the possession, bearing, carrying, transportation and use of hunting and target shooting arms to all of which the acts in force on the matter shall apply.

Sec. 446. Collections of antique weapons; certificates of uselessness. No provision hereof shall prevent that private collections of antique weapons, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of weapons kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Chief of Police of Puerto Rico shall be necessary and the latter shall render such weapons useless, so that the same may not be used as such. The Chief of Police of Puerto Rico shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any weapon not included in said certificate shall be subject to all the provisions hereof.

Sec. 454. Definitions. For the purposes of this chapter, the phrases and terms hereinafter listed shall have the following meaning and definition:

(a) "Machine gun" is a weapon of any description, irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other removable receptacle by one continued pull of the trigger. The term machine gun also includes a submachine gun.

(b) "Firearm" means any weapon by whatever name known, capable of discharging one or more ammunitions through the expanding action of gases.

(c) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

* * * * *

(f) "Gunsmith" means any person, firm, partnership, or corporation engaging in the manufacture, repairing, altering, assembling, cleaning, polishing, engraving, or trueing, or performing any mechanical operation for another on any pistol, revolver, or other firearm.

(g) "Dealer in Firearms or Ammunition" shall mean any person, firm, partnership or corporation who, per se or through its agents, servants, or employees, purchases or introduces for sale, sells, trades, exchanges, offers for sale, or displays for sale, or has for sale, in his business establishment or other place, whether or not also used as a residence or for any other purpose, any pistol, revolver, firearm, or ammunition.

(h) "Merchant" means any person, firm, corporation or partnership who engages on premises open to the public, which are not the residence of anyone, in the sale of merchandise and articles the object of lawful commerce between men.

(i) "Householder" means any person who has established a permanent home, domicile or residence under his own responsibility and authority. There may not be more than one householder in any permanent home, domicile or residence.

(j) "Dwellings" and "Buildings" mean the whole part of a structure used or occupied by a single person or a single family.

(k) "Vehicle" means any device serving for the transportation of persons or things by land, sea, or air.

(l) "Person", "Merchant" and "Farmer" for the purposes of sections 425, 426, 427, 428, 429 of this title, shall include a partnership or corporation, but any license requested for the benefit of such artificial person under the provisions of the sections mentioned, may be granted only in the name of a specific officer or employee of such artificial person, provided such officer or employee meets the requirements prescribed in this chapter.

(m) "Police" means the Police Force of Puerto Rico.

(n) "Chief of Police of Puerto Rico" means the Chief of the Police of Puerto Rico.

Chapter 57—Revolvers, Pistols, etc.

541. Concealed weapons and instruments. It shall be a misdemeanor, punishable as provided in section 546 of this title, to bear, carry, transport, possess or sell any weapon, instrument or device whose general configuration conforms to that of a revolver or pistol and which is capable of detonating blank shells, blank cartridges or any other unit not provided with a missile, that could produce explosion through combustion, including among such weapons, instruments or devices, those revolvers, pistols, instruments and devices known by the name of starter's pistol, blank cartridge pistols, blank cartridge revolvers, blank starter's pistols, blank pistols, blank revolvers, blank starter's revolvers, or any others whose general configuration conforms to those of a revolver or pistol and which fires blank cartridges, blank capsules, or blank shells. By blank capsule, blank shell or blank cartridge shall be understood any hollow unit, cylindric or cubic in form, not provided with a missile, containing in its interior any chemical agent or compound capable of producing explosion by combustion, and provided with a percussion-sensitive detonator.

542. Exceptions. Excepted from the provisions of section 541 above are revolvers especially manufactured for sportive events and theatrical shows and used for such purposes, provided the barrel thereof is a solid cylinder with no orifice whatsoever and ending in a cone.

Title 24

Chapter 111—Controlled Substances

Sec. 2516. Driving vehicles; carrying firearms. No person who has been convicted of a felony under this chapter or of any law of the United States or of any state in connection with narcotic drugs, marijuana, depressant or stimulant substances, as well as of any foreign country and any person who has been declared addicted to narcotic drugs, may obtain a license from the corresponding authority to drive any kind of motor vehicle nor to hold, possess or carry firearms for a term of five (5) years from and after the serving of the sentence imposed by said conviction or after the date of the declaration. Officers or public employees in charge of the issuance of said licenses shall be prevented from extending them, whenever any of the circumstances expressed above may concur in the applicant for the license and any such licenses which have been issued prior to the conviction or declaration that the person is addicted to narcotic drugs shall immediately be cancelled by the corresponding authority.

Notwithstanding the prohibitions contained in this section, the Secretary of Health may, upon request of an interested party, render ineffective the prohibition that a license to drive a motor vehicle be issued to one of such persons, provided it is shown to his satisfaction that said person is reasonably rehabilitated and that the license request is necessary so that such person may lawfully carry out his work or trade.

The presentation of the certificate from the Secretary of Health relieving a person from the prohibition of possessing a license to drive a motor vehicle shall relieve from responsibility the employee or officer issuing it.

Rhode Island

State Law

Gen. Laws of R.I.

11-47-2. Definition of terms. When used in Secs. 11-47-1 to 11-47-56, inclusive, the following words and phrases shall be construed as follows:

"Pistol" shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length less than twenty-six (26) inches, but shall not include any pistol or revolver designed for the use of blank cartridges only.

"Machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

"Firearm" shall include any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," so-called or other instrument from which steel or metal projectiles are propelled, or which may readily be converted to expel a projectile, except such instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon. The frame or receiver of any such weapon shall be construed as a firearm under the provisions of this section.

"Person" shall include individual, partnership, firm, association or corporation.

"Licensing authorities" shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and in towns where there is no chief of police or superintendent of police it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant, and it shall also mean any other person or body duly authorized by the city or town charter or by state law.

"Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.; murder, manslaughter, rape, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony.

"Fugitive from justice" shall mean any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

"Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly.

"Sawed-off shotgun" shall mean any shotgun with overall length of less than twenty-six (26) inches and/or barrel length of less than eighteen (18) inches.

"Sawed-off rifle" shall mean any rifle with overall length of less than twenty-six (26) inches and/or barrel length of less than sixteen (16) inches.

"Antique firearm" shall be defined as that term is defined under the provisions of Title 18, United States Code, Subsection 921, entitled Definitions.

* * * * *

11-47-5. Possession of arms by person convicted of crime of violence or who is a fugitive from justice. No person who has been convicted in this state or elsewhere of a crime of violence or who is a fugitive from justice shall purchase, own, carry, transport or have in his possession or under his control any firearm.

11-47-6. Possession of arms by mental incompetents, drug addicts, and persons adjudicated an habitual drunkard. No person who is under guardianship or treatment or confinement by virtue of being a mental incompetent, or who has been adjudicated or is under treatment or confinement as a drug addict, or who has been adjudicated or is under treatment or confinement as an habitual drunkard shall purchase, own, carry, transport or have in his possession or under his control any firearm. Any person affected by the provisions of this section, other than a person who has been pronounced criminally insane by competent medical authority, after the lapse of a period of five (5) years from the date of being pronounced cured by competent medical authority, may, upon presentation of an affidavit issued by competent medical authority to the effect that he is a mentally stable person and a proper person to possess firearms, make application for the purchase of said firearm(s).

In the event that said application is approved and if said person has no other disqualifying record he will be allowed to purchase and possess firearms.

11-47-7. Possession of pistol or revolver by alien. No unnaturalized foreign born person who has resided in the United States for less than ten (10) years shall purchase, own, carry, transport or have in his possession or under his control any pistol or revolver. The provisions of this section shall be waived in the case of an unnaturalized foreign born person arriving in or passing through this state for the purpose of competing in a match organized under the auspices of a national shooting organization.

11-47-8. License required for carrying pistol—Possession of machine gun. (a) * * * * * No person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this chapter.

(b) No person shall have in his possession or under his control any sawed-off shotgun or sawed-off rifle as defined in section 11-47-2.

11-47-9. Persons exempt from restrictions. The provisions of Sec. 11-47-8 shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force, capitol police and railroad police while traveling to and from official assignments or while on assignments, conservation officers, or other duly appointed law enforcement officers, nor to members of the army, navy, air force, marine corps of the United States, the national guard, or organized reserves, when on duty, or to members of organizations by law authorized to purchase or receive firearms from the United States or this state, provided such members are at or are going to or from their places of assembly or target practice, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the performance of his official duties under the authority of the commanding officer of the military establishment in the state of Rhode Island where he is employed by the United States; provided, however, that the commanding officer of such military establishment shall have on file with the attorney general of this state a list of the names and addresses of all such civilian guards and criminal investigators so authorized; nor to duly authorized military organizations when on duty, nor to members thereof when at or going to or from their customary places of assembly, nor to the regular and ordinary transportation of pistols as merchandise, nor to any person while carrying a pistol unloaded and securely wrapped from the place of purchase to his home or place of business, or in moving goods from one place of abode or business to another. Persons exempted by the provisions of this section from the provisions of Sec. 11-47-8 shall have the right to carry concealed firearms everywhere within this state; provided, however, that this shall not be construed as giving the right to carry concealed firearms to a person transporting concealable firearms as merchandise or as household or business goods.

* * * * *

11-47-14. Permits to banks and carriers. The attorney-general may issue a license or permit to any banking institution doing business in this state or to any public carrier who is in the business of transporting mail, money, securities or other valuables, to possess and use machine guns under such regulations as the attorney-general may prescribe.

* * * * *

11-47-19. Machine gun manufacturers' permits. The attorney-general may issue to any person, firm or corporation engaged in manufacturing in this state, a license or permit to manufacture and sell machine guns and any or all machine gun parts under such regulations as the attorney-general may prescribe.

11-47-20. Sale or possession of silencers. It shall be unlawful within this state to manufacture, sell, purchase or possess, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged.

11-47-21. Restrictions on possession or carrying of explosives or noxious substances. Any person, except a member of the state police, the sheriff or his deputies, or a member of the police force of any city or town, or a member of the army, navy, air force, or marine corps of the United States, or of the national guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bombshell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any noxious liquid, gas or substance, shall be guilty of a violation of this chapter and punished as hereinafter provided.

11-47-25. Antique firearms and collections. Sections 11-47-1 to 11-47-56, inclusive, shall not apply to antique firearms unsuitable for use nor to collections of firearms utilized and maintained for educational, scientific or any similar purpose without intent to use such firearms.

11-47-30. Sale of firearms to minors. It shall be unlawful within this state for any person to sell any firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of said minor.

11-47-31. Sale of ammunition to minors. It shall be unlawful within this state for any person to sell any ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of said minor.

11-47-33. Possession of firearms by minors. It shall be unlawful within this state for any person under fifteen (15) years of age to possess and use any firearm unless he shall hold a permit therefor as provided in Sec. 11-47-34, and only in the presence of a qualified adult at any regular and recognized camp or rifle range approved by the Rhode Island state police or by the chief of police of the city or town in which such camp or rifle range is located; and provided, further, however, that said person under fifteen (15) years of age may carry such firearm, unloaded, in a suitable case to and from his home and such camp or range and from such camp or range to other such camp or range.

11-47-34. Firearms permits to minors. The Rhode Island state police or the chief of police of the city or town in which such person resides shall issue permits to any person under fifteen (15) years of age only upon satisfactory proof of being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range, and further provided that such person has the written consent of a parent or guardian.

11-47-35. Sale of concealable weapons. No seller shall deliver a pistol or revolver to a purchaser thereof until seventy-two (72) hours shall have elapsed from twelve o'clock noon of the day following the day of application for the purchase thereof, and when delivered, said pistol or revolver shall be unloaded and securely wrapped, with the bill of sale therefor to be inclosed within said wrapper with said pistol or revolver. Any loyal law abiding citizen of this state twenty-one (21) years of age or older, and any member of the armed forces of the United States who is stationed in this state and who has the written permission of his commanding officer and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm the purchaser shall accomplish and sign in triplicate and deliver to the seller the application form prescribed below, and in no case shall it contain the serial number of the pistol or revolver. (Form deleted)

11-47-37. Sale to minors and others forbidden. No person shall sell a pistol or revolver to any person under the age of twenty-one (21) or to one who he has reasonable cause to believe falls under the provisions of sections 11-47-5, 11-47-6, 11-47-7, or 11-47-23.

11-47-38. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol, revolver, or other firearm without being licensed as hereinafter provided.

Central Falls

17-23. Weapons—Possessing, harboring, etc. No person shall own, possess, harbor, carry or in any manner use or exercise control of any so-called actually or inherently dangerous weapon or instrumentality, such as a * * * rifle, gun, musket, blunderbuss, fowling piece, pistol, * * * or any contrivance arranged to discharge shot, bullets, arrows, darts, shells or other missiles in the limits of the city, except by special permission of the city council upon the recommendation of the chief of police, who shall prescribe such rules and regulations as each case may require. The city council shall exercise their discretion in each case and shall decide accordingly having in mind the best interests of the populace at large, and more particularly so during any war period.

17-25. Same—Sale to minors. No person shall sell or dispose of to any minor who has no special license to have the same in his possession any of the articles or contrivances mentioned in the two preceding sections. Any person violating this section shall be held responsible for any damage or injury caused as a result of his act.

East Providence

Sec. 20-12. Same—Sale of rifle, pistol, etc., to minors. No person shall sell or offer to sell any rifle, gun, pistol, * * * to any person under the age of eighteen years.

South Carolina

State Law

Code of Laws of S.C.

Title 16
Chapter 23
Article 1

Sec. 16-23-10. Definitions. When used in this article:

(a) "Pistol" means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges.

(b) The term "dealer" means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.

(c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents),

rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

(g) The term "Division" shall mean the State Law Enforcement Division.

(h) The terms "purchase" or "sell" mean to knowingly buy, offer to buy, receive, lease, rent, barter, exchange, pawn or accept in pawn.

(i) The term "person" shall mean any individual, corporation, company, association, firm, partnership, society or joint stock company.

Sec. 16-23-30. Sale or delivery of pistol to and possession by certain persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Article 3

Sec. 16-23-210. Definitions. When used in this article:

(a) The words "machine gun" apply to and include any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(b) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches in length or a weapon made from a shotgun which as modified has an overall length of less then twenty-six inches or a barrel or barrels of less than eighteen inches in length.

(c) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell, but does not include an antique firearm as defined in this section.

(d) "Sawed-off rifle" means a rifle having a barrel or barrels of less than sixteen inches in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than sixteen inches in length.

(e) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge, but does not include an antique firearm as described in this section.

(f) "Antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Sec. 16-23-220. Unlawful transportation of machine gun or sawed-off shotgun or rifle within State. It shall be unlawful for any person in any manner to transport from one place to another in this State or for any railroad company, express company or other common carrier or any officer, agent or employee of any of them or other person acting in their behalf knowingly to ship or to transport from one place to another in this State in any manner or by any means whatsoever, except as provided in Secs. 16-23-250 and 23-31-330, any machine gun or firearm commonly known as a machine gun, sawed-off shotgun or sawed-off rifle.

Sec. 16-23-230. Unlawful storing, keeping or possessing machine gun or sawed-off shotgun or rifle. It shall be unlawful for any person to store, keep, possess or have in possession or permit another to store, keep, possess or have in possession any machine gun or firearm commonly known as a machine gun, sawed-off shotgun, sawed-off rifle, except as provided in Secs. 16-23-250 and 23-31-330.

Sec. 16-23-240. Unlawful selling, renting or giving away of machine gun or sawed-off shotgun or rifle. It shall be unlawful for any person to sell, rent, give away or participate in any manner, directly or indirectly, in the sale, renting, giving away or otherwise disposing of any machine gun or firearm commonly known as a machine gun, sawed-off shotgun, sawed-off rifle.

Sec. 16-23-250. Exceptions to application of article. The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns, or sawed-off shotguns or sawed-off rifles, from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of any state prison, penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or

person authorized by law to possess or use a machine gun, or sawed-off shotgun or sawed-off rifle, may possess machine guns, or sawed-off shotguns or sawed-off rifles, when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns, or sawed-off shotguns or sawed-off rifles, kept for display as relics and which are rendered harmless and not usable.

Sec. 16-23-270. Article not applicable to antique firearms. The provisions of this article shall not apply to antique firearms.

Article 5

Sec. 16-23-470. Illegal possession of tear-gas gun or ammunition. It shall be unlawful for anyone except duly authorized law-enforcement officers to have in possession, use, transport, sell or buy any tear-gas machine or gun or any part thereof or any ammunition or shells or equipment that may be used in a tear-gas gun or machine. Any violation of this section shall be a misdemeanor and punishable by imprisonment for not less than one year nor more than five years or by a fine of not more than five thousand dollars, either or both, in the discretion of the court.

Nothing in this section shall be construed to prohibit the purchase, sale, transportation or use of tear gas for the destruction of insects or rodents, provided such tear gas is not in containers or shells suitable for use in any tear-gas gun, equipment or machine and provided the purchaser has written authority for the purchase and use of such tear gas from the county agent of the county in which he resides.

Sec. 16-23-480. Manufacture or possession of article designed to cause damage by fire or other means. No person shall manufacture, cause to be manufactured, or possess any object or article which is designed to cause damage by fire or any other means to person or property either by ignition, detonation or other means, and further, no person shall possess any object or article when such object or article is possessed solely for the purpose of causing damage by fire or other means to person or property either by ignition, detonation or other means.

Title 23
Chapter 31
Article 1

Sec. 23-31-10. Purchase of rifle or shotgun in contiguous state. Any resident of this State including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same in this State; *provided*, that the sale meets the lawful requirements of each such state, meets all lawful requirements of any Federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Article 3

Sec. 23-31-110. Definitions. (Editor's Note: The definitions in this Article are identical to those in Section 16-23-10 above.)

Sec. 23-31-130. Retail dealers shall be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Sec. 23-31-140. Completion and contents of application prior to purchase of pistol; further restrictions on purchase. Prior to the purchase of a pistol, the purchaser shall complete an application in triplicate in the presence of the dealer. The application to be furnished by the Division shall contain * * * (that information required in 23-31-140; contact State law enforcement authorities for details)

No person shall be allowed to purchase a pistol from a dealer unless he has fully completed the application.

No person shall be allowed to purchase more than one pistol on each application and no person shall be allowed to purchase more than one pistol during each thirty-day period; *provided*, however, that a person whose pistol is stolen or irretrievably lost and who feels that it is essential that he immediately purchase a pistol may obtain a special permit which will enable him to purchase a pistol * * *

No person shall be allowed to purchase a pistol from a dealer unless he is a resident of the State of South Carolina. For the purpose of this article, the possession of a valid South Carolina driver's license or South Carolina Highway Department Identification Card shall constitute proof of residency.

Sec. 23-31-150. Issuance, duration, conditions and forfeiture of retail dealer's license. The Division shall grant a license to any person doing business in the State not ineligible to purchase, acquire or possess a pistol or be licensed as a dealer under the provisions of this article. Licenses shall be issued on a form furnished by the Division and be effective for two years from the date of issuance. Licensees shall be authorized to sell pistols at retail as dealers within this State subject to the following conditions, for breach of any of which the license shall be forfeited:

* * * * *

(b) No pistol shall knowingly be sold in violation of any provision of this article nor shall any pistol be sold without clear evidence as to the identity of the purchaser being furnished to the dealer.

(c) A true record shall be made of every pistol sold on a firearm transaction record form. The firearm transaction record form which shall be furnished by the Division shall be signed by the purchaser and by the dealer effecting the sale, each in the presence of the other and shall contain such information as may be required by the Division. * * *

* * * * *

Sec. 23-31-180. Certain pistols declared to be contraband; forfeiture and destruction of such. No licensed retail dealer shall possess in his place of business or sell any pistol or other handgun which has a die-cast frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit.

* * * * *

Article 5

Sec. 23-31-310. Definitions. When used in this article: (Editor's Note: The definitions in this Article are identical to those in Section 16-23-210 above.)

Sec. 23-31-320. Exceptions to application of article. The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns, or sawed-off shotguns or sawed-off rifles, from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of any state prison, penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or person authorized by law to possess or use a machine gun, or sawed-off shotgun or sawed-off rifle, may possess machine guns, or sawed-off shotguns or sawed-off rifles, when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns, or sawed-off shotguns or sawed-off rifles, kept for display as relics and which are rendered harmless and not usable.

Sec. 23-31-330. Application and registration of person allowed to possess machine gun or sawed-off shotgun or rifle. Every person permitted by Sec. 23-31-320 to possess a machine gun, or sawed-off shotgun or sawed-off rifle, and any person elected to or appointed to any office or position which entitles such person to possess a machine gun, or sawed-off shotgun or sawed-off rifle, upon taking office, shall file with the State Law

Enforcement Division on a blank to be supplied by the Division on request therefor an application to be properly sworn to, which shall be approved by the sheriff of the county in which the applicant resides or has his principal place of business and shall include the applicant's name, residence and business address, physical description, whether or not ever charged or convicted of any crime, municipal, state or otherwise, and where, if so charged, and when the same was disposed of. The applicant shall also give a description, including the serial number and make, of the machine gun, or sawed-off shotgun or sawed-off rifle, which he possesses or desires to possess. Thereupon, the State Law Enforcement Division shall file such application in its office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has such machine gun or sawed-off shotgun or sawed-off rifle in his possession. Such registration shall be made on the date application is received and filed with the State Law Enforcement Division and shall expire on December thirty-first of the year in which the license is issued.

Sec. 23-31-350. Article not applicable to antique firearms. The provisions of this article shall not apply to antique firearms.

Aiken

Article I. Pistols and Other Weapons

Sec. 14A-1. Definitions. When used in this article:

(a) *Pistol* means any firearms designed to expel a projectile from a barrel less than twelve inches in length, but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term *dealer* means any person regularly engaged in the business of selling firearms at retail.

(c) The term *crime of violence* means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any of the aforesaid offenses.

(d) The term *fugitive from justice* means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term *subversive organization* means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States, the State of South Carolina, or the City of Aiken, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term *conviction* as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

Sec. 14A-3. Sale to certain persons unlawful; possession or acquisition by such persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, deliver, lease, rent, barter, exchange or transport for sale into this city any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one (21), but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this city.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Sec. 14A-4. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed * * *.

Sec. 14A-5. Issuance of retail dealer's license; * * * conditions: The clerk of the city shall grant a license to any person doing business in the city not ineligible under the provisions of this article * * * permitting the license to sell pistols at retail within this city subject to the following conditions, for breach of any of which the license shall be forfeited:

* * * * *

(b) No pistol shall knowingly be sold in violation of any provision of this article nor shall a pistol be sold without clear evidence to the seller of the identity of the purchaser.

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the form of which shall be prescribed by the city attorney, and shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain [such information as is required by the City of Aiken] * * * and a statement signed by the purchaser that he has never been convicted of a crime of violence, is not a fugitive from justice nor a member of any subversive organization * * *.

Sec. 14A-7. Mortgage or pledge of pistol. Only a licensed dealer shall make a loan secured by a mortgage, deposit or pledge of a pistol and the dealer shall keep such records as are required herein. A licensed dealer may mortgage any pistol or stock of pistols but shall not deposit the same with any other person.

Anderson

35-7. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Conviction. The term "conviction" shall include pleas of guilty, pleas of nolo contendere and forfeit of bail.

Crime of violence. Murder, manslaughter, except negligent manslaughter arising out of traffic accidents, rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape; or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

Dealer. Any person regularly engaged in the business of selling firearms at retail.

Fugitive from justice. Any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

Pistol. Any firearm designed to expel a projectile from a barrel less than twelve inches in length, but such term shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage or threats or attempts of any of the foregoing.

35-9. Sale, etc., to certain persons prohibited; possession by such persons. It shall be unlawful for any persons to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into the city any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of armed forces of the United States, active or reserve, national guard, state militia or R.O.T.C. when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in subsections (a), (b), (c), or (d) of this section to possess or acquire pistols within this state.

35-10. Purchase, sale, possession, etc., of stolen, etc., pistol. No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

35-11. Retail dealer's license—required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by this article.

35-13. Same—Giving false information to secure, etc. No person in applying for any license under this article shall give false information or offer false evidence of his identity, or give false information concerning the matters referred to in this article.

Andrews

10-14. Pistols, manufacturing, carrying and selling. It shall be unlawful for any person to possess or carry about the person or about any vehicle owned or controlled by him, whether concealed or not, any pistol less than twenty (20) inches long and three (3) pounds in weight; and, it shall be unlawful for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport any such weapon in the Town; provided however that this does not apply to legally appointed state, county or Town police officers; * * *

Charleston

49-2. Possession, sale, etc., of tear gas bombs, etc. It shall be unlawful for any person to have in his possession, sell or offer for sale in the city, any bomb, tube gun, gun or other device containing or intended to contain or discharge tear gas or other noxious or offensive or harmful gases or fluids.

Cheraw

Sec. 12-45. Same—Pistols. It shall be unlawful for any person within the town to carry about his person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight, and it shall be unlawful for any person, firm or corporation to sell or offer for sale, lease, rent, barter, exchange or transport for sale or import for sale into the town any pistol of less length or weight; provided, that this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises. If upon conviction it shall appear to the satisfaction of the mayor or presiding officer of the municipal court before whom such offense is tried that the defendant had good reasons to fear injury to his person or property and carried such weapon to protect himself or property, he may in his discretion suspend the sentence, and nothing herein contained shall abridge the right of self defense as established by the laws of the state.

Upon conviction of the violation of this section, in addition to the general penalty, the weapon so carried shall be forfeited to the town.

Chester

Sec. 10-304.2. Sale, etc., of pistol to certain persons unlawful; possession or acquisition of pistol by such persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Sec. 10-304.3. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Sec. 10-304.4. Issuance of retail dealer's license; duration; conditions; forfeiture. The clerk of court of the county shall grant a license to any person doing business in the county not ineligible under the provisions of Sections 10-304 to 10-304.7 * * *

* * * * *

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the form of which shall be prescribed by the Attorney General and shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, [Contact local authorities for required contents] * * * and a statement [shall also be] signed by the purchaser that he has never been convicted of a crime of violence, is not a fugitive from justice nor a member of any subversive organization. The dealer shall retain the records for a period of three years from the date of sale or transfer to which the records relate.

* * * * *

Clemson

Sec. 9-149 Pistols less than twenty inches long and three pounds in weight. It shall be unlawful for * * * any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or treansport for sale or into the

town any pistol [less than twenty (20) inches long and three (3) pounds in weight]. * * *

Florence

19-55. Weapons—carrying, sale, etc., of pistols of certain size and weight. It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight. * * *; provided, this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Fort Mill

Sec. 4-22. Pistols—Sale restricted. No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has inquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

Sec. 4-40 B. Definitions when used in this ordinance. (a) "Pistol" means any firearm designed to expel a projectile from a barrel less than twelve inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term "dealer" means any person regularly engaged in the business of selling firearms at retail.

(c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

D. Selling Pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this town any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State or Town, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c), or (d) of this section to possess or acquire pistols within this town.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

E. Dealers to be Licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed.

F. Dealer Licenses. The clerk of court of the county shall grant a license to any person doing business in the county not ineligible under the provisions of this act in a standard form prescribed by the Attorney General, effective for two years from date of issuance, permitting the licensee to sell pistols at retail within this State subject to the following conditions, for breach of any of which the license shall be forfeited: * * * * *

(b) No pistol shall knowingly be sold in violation of any provision of this act nor shall a pistol be sold without clear evidence to the seller of the identity of the purchaser.

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the form of which shall be prescribed by the Attorney General and shall be signed personally by the purchaser and by the person effecting the sale [contact local authorities for required contents] * * *

Greenville

Sec. 31-4. Pistols less than twenty inches long and three pounds in weight. It shall be unlawful for anyone to carry about his person, whether concealed or not, any pistol less than twenty (20) inches long and three (3) pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less length and weight. This section shall not be construed to apply to peace officers in the actual discharge of their duties or to the carrying or keeping of such pistols by persons while on their own premises nor to abridge the right of self-defense.

37-24. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

Conviction: Pleas of guilty, pleas of nolo contendere and forfeiture of bail as well as actual conviction by a court.

Crime of violence: Murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one (1) year.

Dealer: Any person regularly engaged in the business of selling firearms at retail.

Fugitive from justice: Any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

Pistol: Any firearm designed to expel a projectile from a barrel less than twelve (12) inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

Subversive organization: Any group, committee, club, league, society, association or combination of individuals the purpose of which, or one (1) of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States, or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage or threats or attempts of any of the foregoing.

37-26. Sale, etc., to certain persons unlawful; possession or acquisition by such persons unlawful; stolen pistols. (a) It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter,

exchange or transport for sale into this state any pistol to:

(1) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(2) Any person who is a member of a subversive organization.

(3) Any person under the age of twenty-one (21) but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state militia or ROTC, when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(4) Any person who, by order of a circuit judge or county court judge of this state, has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(b) It shall be unlawful for any person covered in subsection (a) to possess or acquire pistols within this state.

(c) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

37-27. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed * * * * *

Greer

Sec. 31-1. "Pistol" defined. "Pistol" means any firearm designed to expel a projectile from a barrel less than twelve inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

* * * * *

Sec. 31-7. Sale, etc., of pistols to certain persons unlawful; possession or acquisition of pistols by certain persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this state any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this state.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Inman

Section 12: * * * it shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale in the corporate limits any pistol [of less than 20 inches in length and three pounds in weight].

Jackson

3-10(b) * * * sale, etc., of pistols. It shall be unlawful * * * for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this State any pistol * * * [less than twenty inches long and three pounds in weight.]

Jonesville

Section 1. * * * it shall be unlawful for any person or persons, firm, corporation or association to sell, barter, exchange, or give away to induce trade; or to offer for sale, exchange, barter or giving away to induce trade any such firearm or weapon as is usually designated and known as a "pistol".

* * * * *

Lake City

11. Firearms—carrying and sale generally. It shall be unlawful for any person to carry about the person, whether concealed or not, any firearm less than twenty inches long or less than three pounds in weight. It shall also be unlawful for any person to sell or offer for sale any firearm of less length or weight than herein stated; provided, however that this section shall not apply to peace officers in the actual discharge of their duty, nor to keeping and carrying pistols by persons while on their own premises.

Sec. 15-40. Sale of Pistols. No retail dealer in the City shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Laurens

10-25. (A) Manufacture, carriage, sale. It shall be unlawful in the city for anyone to carry about the person, whether concealed or not any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight; * * *

Marion

Sec. 12-44. Same—Minimum size of pistols. It shall be unlawful for * * * any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less [than 20 inches in length and three pounds in weight] * * *. Any violator of this section shall be guilty of a misdemeanor. This section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Myrtle Beach

Sec. 31-3. Carrying, manufacturing, selling, etc., of certain pistols prohibitied; exceptions. It shall be unlawful for any person to possess or carry about the person or about any vehicle owned or controlled by him, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport any such pistol in the city.

The provisions of this section shall not apply to legally appointed state, county or city police officers, nor shall this section prohibit the possession of any such pistol in the home

or upon or within the private premises of a person within the city. * * * * *

Newberry

10-74. Same—Sale of pistols, rifles, etc. It shall be unlawful for any person, or any agent of any person in the city, to sell to any person any pistol, rifle or other species or kinds of firearms, except shotguns, unless the person purchasing the same, if a citizen of the city, has a permit in writing from the chief of police to purchase the same, or if not a citizen of the city, has a permit in writing from the sheriff of the county to purchase the same, such permit to specify the kind and amount of firearms allowed to be purchased thereunder and to be filed with the person from whom the same is purchased, who shall within ten days after any sale file the permit with the officer issuing the same.

10-75. Same—Purchasing or receiving pistol, rifle, etc., without permit. It shall be unlawful for any person to purchase or receive in the city any firearm enumerated in the preceding section, without first having obtained the permit as provided in the preceding section.

New Ellenton

Sec. 11-44 * * * Minimum size of pistols. It shall be unlawful in the town * * * for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the town any pistol [less than twenty (20) inches in length and three (3) pounds in weight] * * * provided, this section shall not apply to peace officers in the actual discharge of their duties * * *

Pacolet

Section 3-12. * * * from and after the passage of this ordinance * * * it shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale in the corporate limits any pistol [of less than 20 inches in length and three pounds in weight].

Pageland

Sec. 10-41. Adoption of Criminal Law of State of South Carolina. All acts and conduct that constitute violation of the common law and the statutory law of the State of South Carolina are hereby declared unlawful in the Town of Pageland and when such acts, conduct or violations occur within the town insofar as such provisions and violations can have application within the town and the punishment of which is within the jurisdiction of the town.

Rock Hill

Sec. 25-36. * * * (Pistols)—Sale restricted. No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has enquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

Spartanburg

24-72. Same—Firearms—Pistols under twenty inches long or three pounds in weight. It shall be unlawful for any person to carry about his person in the city, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into the city, any pistol of less length and weight. * * *

Wagener

Sec. 17-7. Pistols less than twenty inches long and three pounds in weight. It shall be unlawful for anyone to * * * manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the town any pistol of less [than twenty inches long and three pounds in weight] * * *.

South Dakota

State Law

S.D. Codified Laws

22-1-2. Definition of terms. Terms used in this title, and in other statutes which prescribe a penalty for a public offense, unless the context otherwise plainly requires, mean: * * *

(7) "Controlled weapon" includes a firearm silencer, machine gun, or short shotgun, as those terms are defined in subdivisions (16), (21) and (43) of this section;

(8) "Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy to commit, any of the same: murder, manslaughter, rape, aggravated assault, riot while armed, robbery, burglary, arson, kidnapping and any other crime in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device;

(9) "Dangerous weapon" or "deadly weapon," any firearm, knife or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm; * * *

(12) "Destructive device," (a) Any bomb, grenade, explosive missile, or similar device or any launching device therefor; or (b) Any breakable container which contains a flammable liquid with a flashpoint of one hundred and fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited.

The term does not include "permissible fireworks" defined by Sec. 34-37-5; any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device; surplus ordnance sold, loaned or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which is an antique or is a rifle which the owner intends to use solely for sporting purposes; * * *

(15) "Firearm," any weapon from which a projectile or projectiles may be discharged by gunpowder. As used in this subdivision, the word "gunpowder" includes any propellant that upon oxidization emits heat and light and is commonly used in firearms cartridges;

(16) "Firearm silencer," any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon; * * *

(18) "Illegal weapon," any controlled weapon listed in subdivision (7) of this section; * * *

(21) "Machine gun," any firearm, whatever its size and usual designation, that automatically discharges two or more cartridges by a single function of the firing device; * * *

(30) "Pistol," any firearm with a barrel less than sixteen inches in length, designed to expel a projectile or projectiles by the action of an explosive; * * *

(42) "Short rifle," a rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches;

(43) "Short shotgun," a shotgun having a barrel less than eighteen inches long or an overall length of less than twenty-six inches;

* * * * *

22-14-5. Possession of firearm with altered serial number as felony—Exception. Any person who possesses any firearm on which the manufacturer's serial number has been changed, altered, removed or obliterated is guilty of a Class 6 felony.

This section shall not apply to persons who have registered such firearms with the secretary of state as provided in sec. 23-7-42.

22-14-6. Possession of controlled weapon—Exceptions. Any person who knowingly possesses a controlled weapon is guilty of a Class 6 felony. Provided that, this section shall not apply to a person who:

(1) Is a law enforcement officer or a member of the armed forces of the United States or South Dakota national guard acting in the lawful discharge of his duties;

(2) Has a valid state or federal license issued pursuant to law for such weapon or has registered such weapon with the proper state or federal authority pursuant to law;

(3) Possesses a controlled weapon briefly after having found it or taken it from an aggressor; or

(4) Possesses a controlled weapon, except a machine gun or short shotgun, under circumstances which negate any purpose or likelihood that the weapon would be used unlawfully.

22-14-15. Possession of firearm by one with prior violent crime conviction as felony—Fifteen-year period. Any person who has been convicted in this state or elsewhere of a crime of violence, who has in his possession or under his control, a firearm, is guilty of a Class 6 felony. This section does not apply to any person who was last discharged from prison, jail, probation or parole, for a crime of violence more than fifteen years prior to the commission of the principal offense.

22-14-16. Providing firearm to person with known prior violent crime conviction as felony. Any person who knows that another person is prohibited by secs. 22-14-15 from possessing a firearm, and who knowingly gives, loans, or sells a firearm to that person is guilty of a Class 6 felony.

22-14-17. Antique firearms exempt from chapter—Firearms incapable of discharge exempt—Antique firearm defined. This chapter shall not apply to antique firearms or to firearms which have been permanently altered so they are incapable of being discharged.

An "antique firearm" is: (1) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or before 1898; and (2) Any replica of any firearm described in subdivision (1) of this section if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

22-14A-4. Sale, transportation, or possession of destructive devices as felony—Increased penalty for prior violent crime conviction. Any person who knowingly sells, offers for sale, transports or possesses any destructive device is guilty of a Class 4 felony. If such person has been previously convicted of a crime of violence in this state or elsewhere, he is guilty of a Class 3 felony.

23-7-1. Definition of terms. "Pistol," as used in this chapter, means any firearm with a barrel less than sixteen inches in length and designed to expel a projectile or projectiles by the action of an explosive.

"Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semiautomatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" as used in this chapter, means any of the following crimes or an attempt to commit or a conspiracy to commit any of the same, namely: murder, manslaughter, rape, mayhem, any assault prohibited by SDCL 22-18-9, 22-18-10, 22-18-11, 22-18-12 or 22-18-14, riot while armed, robbery, burglary, possession of burglary tools, housebreaking, breaking and entering, kidnaping, extortion by force or fear, and any other crime in the commission of which the perpetrator used force, or was armed with a deadly, dangerous or sharp weapon, or used any bomb, explosive or destructive device.

"Person," as used in this chapter, includes firm, partnership, association, or corporation.

23-7-2. Antique pistols excepted from chapter. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

23-7-3. Person convicted of crime of violence not to own or possess pistol—Felony—Punishment. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control. * * *

23-7-3.1. Delivery of pistol to person convicted of crime of violence—Misdemeanor. Any person who gives, loans or sells a pistol to a person convicted of a crime of violence in this state or elsewhere, and knows that said person has been so convicted, is guilty of a misdemeanor.

23-7-9. Delivery of pistol to purchaser—Waiting period—Wrapped and unloaded. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered said pistol shall be securely wrapped and shall be unloaded.

23-7-11. Regulation does not apply to sale of pistols at wholesale. Sections 23-7-9 and 23-7-10 shall not apply to sales at wholesale.

23-7-13. Transfer of pistol contrary to chapter forbidden. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol; nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

23-7-14. License required of retail dealer. No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided * * *.

* * * * *

23-7-18. Sale of pistol by retail dealer—Restrictions. No pistol shall be sold in violation of any provisions of this chapter, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

23-7-19. Sale of pistol by retail dealer—Record in triplicate, form and contents, distribution of copies. A true record in triplicate shall be made of every pistol sold in a book kept for the purpose, the form of which may be prescribed by the secretary of state and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, occupation, color, and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered or certified mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the secretary of state; the triplicate the dealer shall retain for six years.

* * * * *

23-7-40. Purchase of rifles and shotguns by residents of South Dakota and contiguous states—Implementation of federal provisions. The state of South Dakota herewith permits residents of contiguous states and residents of this state, not otherwise precluded by any applicable laws, to purchase,

sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components or firearms accessories in South Dakota and in states contiguous to South Dakota. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922 (b), (3) (A) of Public Law 90-618 of the 90th United States Congress, second session.

Aberdeen

Pistol Dealers

9.1601 License. Any person, persons, firm or corporation desiring to engage in the business of selling pistols at retail shall, before engaging in such business, file with the City Auditor a written statement and application setting forth his or its intentions to engage in such business * * *.

* * * * *

Huron

5.44.010. License to sell. Any person, persons, firm, or corporation, desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the city auditor, a written statement and application setting forth his or its intention to engage in such business * * *.

Pierre

G. Sales to Minors. It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years * * *.

Sioux Falls

8.1802. Dealers to be licensed. No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer within the limits of the City of Sioux Falls, any pistol without being licensed * * *

Watertown

12.0801: License to Sell. Any person, persons, firm, or corporation, desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the City Auditor, a written statement and application setting forth his or its intention to engage in such business [contact local authorities for required contents] * * *

Tennessee

State Law

Tenn. Code Ann.

Mental Health Law

33-317 * * * Supplying patient or resident [of a mental institution] with harmful substances * * *

* * * * *

(b) * * * any person who, without permission of the superintendent [of the institution], shall give or sell to any patient or resident, whether on the premises of the institution or elsewhere, knowing him to be a patient or resident, any firearms * * *, is guilty of a felony * * *.

Criminal Offenses

39-4904. Selling or disposing of dangerous weapons. It is a misdemeanor to sell, or offer to sell, or to bring into this state for the purpose of selling, giving away, or otherwise disposing of any * * * prohibited weapon * * * [includes * * * a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except the army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon] * * *.

* * * * *

Provided, however, any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearm, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the sheriff of the county wherein such sale is to be made, and with the chief of police if the sale be within a municipality, a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, the sheriff and/or chief of police make no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant. Provided, however, the sheriff and/or police chief may issue a written approval of such certificate, after investigation, within the fifteen (15) day period.

The fifteen (15) day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of the first paragraph above and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress. The fifteen (15) day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel as defined under Sec. 39-4902. However, all other provisions and requirements of the preceding paragraph above must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or second hand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the state of Tennessee to engage in such business.

Provided however, before any person, firm or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun, such person, firm or corpora-

tion shall obtain from the commissioner of revenue a permit to engage in such business in the state of Tennessee.

Prior to the issuance of such permit by the commissioner of revenue, the applicant shall furnish the commissioner of revenue a certificate of good moral character signed by the chief of police or the sheriff of the county in which the licensed premises shall be located. In the event the licensed premises are located in the corporate limits of a municipality, said certificate of moral character shall be signed by the chief of police. If the licensed premises are located outside the corporate limits of the municipality, the certificate of moral character shall be signed by the sheriff of the county. The certificate of moral character must state that the applicant or applicants who are to be in actual control of said business are of good moral character and are personally known to the official signing the certificate, and if the applicant be a corporation, that the executive officers of those in control are of good moral character and personally known to the official signing said certificate.

39-4905. Selling or giving weapons to minor—Penalty. Any person who sells, loans, or gives to any minor a pistol * * * or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor, * * *

* * * * *

39-4915. Purchase of rifles and shotguns in contiguous states by residents of Tennessee. Any resident of the state of Tennessee who may legally purchase a rifle or shotgun in this state may purchase a rifle or shotgun in a contiguous state provided the sale meets the legal requirements in each state, meets all legal standards of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

39-4917. Prohibited firearms—Definitions. For the purposes of Secs. 39-4917—39-4920 the following terms shall have the meanings ascribed in this section:

(a) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches (18") in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than eighteen inches (18") in length.

(b) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell, but does not include an antique firearm as defined in this section.

(c) "Sawed-off rifle" means a rifle having a barrel or barrels of less than sixteen inches (16") in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than sixteen inches (16") in length.

(d) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge, but does not include an antique firearm as described in this section.

(e) "Machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger; the frame or receiver of any such weapon; any combination of parts designed and intended for use in converting a weapon into a machine gun; and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(f) "Antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(g) "Unserviceable firearm" means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(h) "Manufactures any weapon" means making, putting together, altering, modifying, any combination of these, or otherwise producing a sawed-off shotgun, sawed-off rifle, or machine gun.

(i) "Sells or disposes of" means sells, offers for sale, assigns, pledges, leases, loans, gives away, transfers or otherwise disposes of.

(j) "Person" includes a corporation, firm, company, partnership or association.

39-4918. Manufacture, possession or sale of sawed-off shotgun, sawed-off rifle, or machine gun—Penalty. Any person who manufactures, imports, purchases, possesses, sells or disposes of, in this state, any weapon of the kind commonly known as a sawed-off shotgun, sawed-off rifle, or machine gun shall upon conviction thereof, for each offense, be imprisoned in the penitentiary for a term of not less than one (1) nor more than five (5) years; or in the county jail or workhouse for a term not to exceed one (1) year, or by fine not exceeding one thousand dollars ($1,000), or by both such fine and jail or workhouse sentence in the discretion of the court.

39-4919. Exceptions to firearms restrictions. The provisions of Sec. 39-4918 relating to sawed-off shotguns, sawed-off rifles, and machine guns shall not apply to or affect the following:

(a) The United States or any department, independent establishment or agency thereof; or the state of Tennessee, or any department or agency thereof, or any political subdivision thereof, or any official police organization or law enforcement agency of such government entity charged with enforcement of criminal laws or detention of persons convicted or accused of crime;

(b) The possession in the pursuit of official duty by a law enforcement, peace, police officer, or official or employee of a penitentiary, jail or other institution in the state of Tennessee for the detention of persons accused or convicted of crime, who is regularly employed and paid by the United States, this state or any political subdivision or governmental entity thereof as set forth in the preceding subsection (a);

(c) The possession by a member of the National Guard or the armed services or reserve forces of the United States who while serving therein possesses such weapon in the line of duty;

(d) Persons licensed by the state of Tennessee as manufacturers, importers, or dealers in such weapons provided that the manufacture, import, purchase, possession, sale or disposition of such weapons is authorized and incident to carrying on the business for which licensed and is for scientific or research purposes or sale or disposition to the classes designated in subsection (a) above;

(e) Any person who acquires or possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is validly registered to such person under federal law in the National Firearms Registration and Transfer Records. A person who acquires or possesses a firearm registered as required by this subsection shall retain proof of registration;

(f) Any person who possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is an unserviceable firearm.

Chattanooga

25-10. Dangerous weapons—Sale. It shall be unlawful for any person to sell or offer for sale in the city any pistol, pistol cartridges, * * *; provided, that this section shall not apply to the sale of regular army and navy pistols.

Greeneville

5-101. Sale of firearms. Only persons, firms, or corporations licensed by the State of

Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the Town of Greeneville. Firearms may be sold to persons desiring same for the protection of their home or business or for target practice but for no other purpose.

The sale of pistols and/or sidearms within the corporate limits of the Town of Greeneville to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

Any person desiring to purchase a pistol or sidearm within the corporate limits of the Town of Greeneville shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the Town of Greeneville, a copy of the certificate as notice to such law enforcement officer of the pending sale. The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Jackson

19-10.1(c) * * * any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the Chief of Police a copy of the certificate as notice of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen days from the time of the receipt of such notice, the Chief of Police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant. Provided, however, the Chief of Police may issue a written approval of such certificate, after investigation, within the fifteen day period.

The fifteen day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of the first paragraph above and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress. The fifteen day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel * * *. However, all other provisions and requirements of the proceding paragraph above must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor. * * *

Knoxville

28-103. Firearms—Sale. (b) Any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

(c) Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor.

(d) The three (3) day notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer personally acknowledges receipt of such notice.

(e) The seller shall deliver to the chief of police a legible true copy of the bill of sale showing the name of the firearm, the caliber, serial number, finish of the firearm, such as nickel.

Lawrenceburg

Section 1—Definitions

* * * * *

(3) "Explosive weapon" means any explosive, incendiary, or poison gas: (A) bomb; (B) grenade; (C) rocket; (D) mine; (E) shell, missile, or projectile that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage.

(4) "Firearm" means any weapon designed, made, or adapted to expel a projectile by the action of an explosive, or any device readily convertible to that use.

(5) "Firearm silencer" means any device designed, made, or adapted to muffle the report of a firearm.

(6) "Handgun" means any firearm with a barrel length of less than twelve (12) inches that is designed, made, or adapted to be fired with one hand.

* * * * *

(9) "Machine gun" means any firearm that is capable of shooting more than two (2) shots automatically, without manual reloading, by a single function of the trigger.

(10) "Rifle" means any firearm designed, made, or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile

through a rifled bore by a single function of the trigger.

(11) "Short barrel" means a barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, or an overall firearm length of less than twenty-six (26) inches.

(12) "Shotgun" means any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smooth-bore barrel either a number of ball shot or a single projectile by a single function of the trigger. * * * * *

Section III—Prohibited Weapons. (a) An individual, corporation, or association commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) an explosive or an explosive weapon;

(2) a device principally designed, made, or adapted for delivering or shooting an explosive weapon;

(3) a machine gun;

(4) a short-barrel rifle or shotgun;

(5) a firearm silencer;

(b) It is a defense to prosecution under this section that the actor's conduct:

(1) was incident to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a penal institution; or

(2) was incident to engaging in a lawful commercial or business transaction with an organization identified in subdivision (1); or

(3) was incident to using an explosive or an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) was incident to using the weapon in a manner reasonably related to a lawful dramatic performance or scientific research; or

(5) was incident to displaying the weapon in a public museum or exhibition.

(c) It is an affirmative defense to prosecution under this section, which the actor must prove by a preponderance of the evidence:

(1) that his conduct was incident to dealing with the weapon solely as a curio, ornament, or keepsake, and if the weapon is a type described in subsections (a)(1)-(a)(5), that it was in a nonfunctioning condition and could not readily be made operable; or

(2) that his possession was brief and occurred as a consequence of having found the weapon or taken it from an aggressor.

(d) An offense under subsections (a)(1)-(a)(5) is a felony; and offense under subsection (a)(6) is a misdemeanor.

Section IV—Unlawful Sale of Firearm. (a) An individual, corporation, or association commits an offense if:

(1) he intentionally, knowingly, or recklessly sells, loans, or makes a gift of a firearm to a minor; or

(2) he intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to a person who is intoxicated:

(3) he intentionally, knowingly, recklessly, or with criminal negligence violates the provisions of Section V of this Ordinance.

(b) It is a defense to subsection (a)(1) that:

(1) a rifle or shotgun was sold, loaned, or given to a minor for the purposes of hunting; and

(2) the actor is not required to obtain a license under Section V of this Ordinance.

(c) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(d) An offense under this section is a misdemeanor.

Section V—Lawful Sale of Firearms. (a) Only persons, firms or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the City of Lawrenceburg. Firearms may be sold to persons desiring same for the protection of their homes or business or for target practice but for no other purpose.

(b) The sale of pistols and/or sidearms within the corporate limits of the City of Lawrenceburg to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

(c) Any person desiring to purchase a pistol or sidearm within the corporate limits of the City of Lawrenceburg shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the City of Lawrenceburg, a copy of the certificate as notice to such law enforcement officer of the pending sale.

(d) The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

(e) Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Lebanon

10-212.1. Selling or disposing of dangerous weapons. It shall be unlawful to sell, or offer to sell, or to bring into the City of Lebanon for the purpose of selling, giving away, or otherwise disposing of any * * * prohibited weapon mentioned in section 10-212 (pistol, revolver, * * * except the army or navy pistol * * *). Provided, however, any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. * * *

* * * * *

* * * before any person, firm, or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun in the City of Lebanon, such person, firm, or corporation shall first obtain a permit.

McMinnville

12-54. Selling, giving weapons to minor. Any person who sells, loans, or gives to any minor a pistol, * * * or like dangerous weapon,

except a gun for hunting, is guilty of a misdemeanor.

Morristown

34-5. Sale, use, etc., of toy pistols. No person shall sell, keep for sale or use within the town any toy pistol discharged by percussion cap and powder or other means.

Nashville—Davidson, Metro

Sec. 41-2-1. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder; manslaughter; rape; mayhem; kidnapping; burglary; housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment.

Firearm. Any weapon by whatever name known, which is designed to expel a projectile by the action of expanding gases.

Fugitive from justice. Any person who has fled or is fleeing from any law-enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

Manufacturer or dealer. Any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans.

Pistol. Any firearm with a barrel less than twelve inches in length.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or of the state or of the metropolitan government by the use of force, violence, military measures or threats of one or more of the foregoing.

Sec. 41-2-2. Persons to whom firearms not to be sold, loaned or otherwise transferred. It shall be unlawful for any person to sell, lease, lend or otherwise transfer a firearm within the urban services district to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or who is a fugitive from justice or who is of unsound mind or who is a drug addict or an habitual drunkard or who is a member of a subversive organization.

Sec. 41-2-3. Persons forbidden to possess firearms. It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, or is of unsound mind or is a drug addict or an habitual drunkard, to possess a firearm within the urban services district.

It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within the urban services district.

Sec. 41-2-4. Stolen firearms. It shall be unlawful within the urban services district for any person to receive, conceal, store, barter, sell, lease, lend or otherwise transfer, or to pledge or accept as security for a loan, any firearm, knowing or having reasonable cause to believe the same to have been stolen.

Sec.41-2-5. Obliteration, removal or alteration of manufacturer's identification mark or number. It shall be unlawful for any person to obliterate, remove change or alter the manufacturer's identification mark or number on any pistol. Whenever, in a trial for a violation of this section, the defendant is shown to have or have had possession of any such pistol, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number unless the defendant can produce a bill of sale indicating that the pistol was legally purchased and that the manufacturer's identification mark or serial number was obliterated or destroyed at the time of purchase.

Sec. 41-2-6. Firearms manufacturer's or dealer's license. (a) Application for a firearms manufacturer's or dealer's license shall be made to the metropolitan collections officer on forms prescribed and furnished by him. * * *

Sec. 41-2-9. Sale, lease or transfer to persons under twenty-one. No person shall sell, lease or transfer a pistol, except when the relation of parent and child or guardian and ward exists, to any person under the age of twenty-one years.

Sparta

10-249. Selling, giving weapons to minor. Any person who sells, loans, or gives to any minor a pistol, * * * or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor.

Texas

State Law

Texas Codes Ann. (Vernon's)

Penal Code
Title 10.
Chapter 46. Weapons

Section 46.01. Chapter Definitions. In this chapter: * * * * * (2) "Explosive weapon" means any explosive, incendiary, or poison gas bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, and includes a device principally designed, made, or adapted for delivery or shooting an explosive weapon.

(3) "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include antique or curio firearms that were manufactured prior to 1899 and that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter.

(4) "Firearm silencer" means any device designed, made, or adapted to muffle the report of a firearm.

(5) "Handgun" means any firearm that is designed, made, or adapted to be fired with one hand.

* * * * *

(9) "Machine gun" means any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

(10) "Short-barrel firearm" means a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches.

* * * * *

Sec. 46.05. Unlawful Possession of Firearm by Felon. (a) A person who has been convicted of a felony involving an act of violence or threatened violence to a person or property commits an offense if he possesses a firearm away from the premises where he lives. * * *

Sec. 46.06. Prohibited Weapons. (a) A person commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) an explosive weapon;

(2) a machine gun;

(3) a short-barrel firearm;

(4) a firearm silencer; * * *

(b) It is a defense to prosecution under this section that the actor's conduct was incidental to the performance of official duty by the armed forces or national guard, a governmen-

tal law enforcement agency, or a penal institution.

(c) It is a defense to prosecution under this section that the actor's possession was pursuant to registration pursuant to the National Firearms Act, as amended.

(d) It is an affirmative defense to prosecution under this section that the actor's conduct was incidental to dealing with a switchblade knife, springblade knife, or short-barrel firearm solely as an antique or curio.* * *

Sec. 46.07. **Unlawful Transfer of Firearm.** (a) A person commits an offense if he:

(1) sells, rents, leases, loans, or gives a handgun to any person knowing that the person to whom the handgun is to be delivered intends to use it unlawfully or in the commission of an unlawful act;

(2) intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years any firearm; or

(3) intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to any person who is intoxicated.

(b) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(c) It is an affirmative defense to prosecution under Subsection (a)(2) of this section that the transfer was to a minor whose parent or the person having legal custody of the minor had given written permission for the sale or, if the transfer was other than a sale, the parent or person having legal custody had given effective consent.* * *

Sec. 46.08. **Interstate Purchase.** A resident of this state may, if not otherwise precluded by law, purchase firearms, ammunition, reloading components, or firearm accessories in contiguous states. This authorization is enacted in conformance with Section 922(b)(3)(A), Public Law 90-618, 90th Congress.

Ballinger

Selling pistol to minor. 48. If any person, within the Corporate limits of the City of Ballinger, Texas, shall knowingly sell, rent, or lease any pistol to a minor or to any other person under the heat of passion, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten, nor more than two hundred dollars.

Bellaire

Ordinance 1473.

1. No person shall make, carry, possess or use any type of "Molotov Cocktail," gasoline or petroleum base fire bomb, or other incendiary missile, within the City of Bellaire, Texas.

2. The words "Molotov Cocktail" as used herein shall mean a gasoline or kerosene filled bottle or container with a fuse or wick inserted in the neck.

Deer Park

1. No person shall make, carry, possess or use any type of "Molotov Cocktail", gasoline or petroleum base fire bomb, or other incendiary missile, within the City of Deer Park, Texas. 2. The words "Molotov Cocktail", as used herein, shall mean a gasoline or kerosene filled bottle or container, with a fuse or wick inserted in the neck.

Fort Worth

15-423. Small arms ammunition. A. *"Small arms ammunition" defined.* Small arms ammunition, whenever used in this article, shall mean any shotgun, rifle, pistol or revolver cartridge.

B. Manufacture. No person shall manufacture any small arms ammunition within the city. This provision shall not be construed as prohibiting the hand-loading of small arms ammunition for private use and not for resale.

C. Sale, etc. No person shall store for sale, sell or present for sale any small arms ammunition without a permit.

22-1. Definitions. Secondhand dealer. The term "secondhand dealer" is used in its ordinary and usual trade acceptance meaning, and shall also mean and include any person engaged in any of the following:

Collecting, handling, buying, trading, selling or engaging in the sale of traffic of any of the following:

Used or secondhand * * * shotguns, rifles, revolvers and all other kinds of firearms; * * *

Harlingen

III. It shall hereafter be unlawful for any adult person to deliver to or place in the hands of, any minor under the age of seventeen (17) years any firearm * * *

IV. Firearms as used herein shall be defined to include any pistol, rifle, shot-gun, designed to propel any bullet, pellet, slug or metal object or other solid substance by means of force of an explosion of gun powder, explosive liquid of any kind, or explosive gas of any kind.

Houston

Houston Code

* * * * *

Sec. 28-9. **"Molotov cocktails", possession in public prohibited.** It shall be unlawful for any person to have in his possession or on or about his person, upon any public street, alley, sidewalk, or other public place within the corporate limits of the city, any gasoline, kerosene, naphtha or any other volatile, inflammable or explosive liquid or substance and at the same time to have in his possession or on or about his person any container, susceptible to being broken, torn, shattered, or disassembled when thrown against or into any building or improvement.

* * * * *

Sec. 44-65. **Pistol dealers.** (a) There shall be levied and collected from every person engaging in the business of bartering, leasing, selling, exchanging, or otherwise dealing in pistols for profit within the city, whether by wholesale or retail, an annual occupation tax of five dollars ($5.00), to be paid on or before January first of each year, and to be paid before continuing such business. Before engaging in such business, each such dealer shall obtain a license therefor, to be issued by the city assessor and collector of taxes.

(b) The word "pistol", as used in this section, shall include every kind of pistol, revolver, automatic, semi-automatic, magazine pistol, and every other short firearm intended or designed to be aimed or fired from one hand.

(c) No person shall be required to have the license provided for in this section or pay the tax levied herein where such person is engaged exclusively in selling pistols to the militia of the United States or other agencies of the federal government authorized by law to purchase the same.

Janesville

19.02 * * * (2) **Selling Certain Weapons Prohibited.** No person shall sell any firearm, * * * to any minor in the City of Janesville * * *.

Midlothian

Ordinance 89

* * * * *

Section 2. No person, firm, company, corporation or association shall exhibit or have in his possession, with intent to give away or sell or offer for sale or sell, within the City of Midlothian, any * * * gun, revolver, pistol, cap or cartridge, * * * in the City of Midlothian, provided, however, that this section shall not apply to the sale of any such article or articles by wholesalers to each other or to the sale of any such article or articles at wholesale to merchants conducting business entirely without the City of Midlothian, or to the sale by

wholesalers for private or public demonstration as hereinafter provided.

San Antonio

26.27. Explosives, etc.; furnishing to minors. It shall be unlawful for any person within the city to sell to, give to, or place in the possession of, any person under the age of sixteen years any leaded cartridge, or any explosive of any kind, or to sell to, give to or place in the possession of any person under the age of sixteen years, any gun or toy gun, capable of exploding or discharging any explosive cap or cartridge, or any toy cannon, capable of exploding or discharging any explosive cap or cartridge, or any other firearm of any description, capable of exploding or discharging any explosive cap or cartridge of any description.

15-135. Manufacture prohibited. (a) No person shall manufacture, within the limits of the city, small arms ammunition. This shall not be construed as prohibiting, the hand loading of small arms ammunition for private use and not for resale. For this purpose not more than 15 pounds of smokeless powder and 1,000 small arms primers packed in approved I.C.C. containers shall be permitted to be kept on hand, without a permit.

15-136. Permit required. No person shall store, sell or offer for sale any small arms ammunition without permit.

Southside Place

Sec. 10-9. Sale of firearms * * * No person within the city shall sell, offer for sale or have in his possession for the purpose of sale any kind or any character of gun, revolver or pistol, * * *.

Stephenville

Sec. 11-2. Sale, exhibit of fireworks. It shall be unlawful for any person to exhibit or have in his possession with intent to give away or sell or offer for sale or sell within the city any * * * gun, revolver, pistol, cap or cartridge, * * *.

Universal City

III. It shall be unlawful for any person within the corporate limits of the City Of Universal City to sell, give, or place in the possession of any person under the age of 16 years any leaded cartridge or any explosive of any kind, or any gun, toy gun, or cannon capable of exploding or discharging a bullet, pellet, or missile by means of any explosive cap or cartridge of any description.

Wichita Falls

Sec. 24-8. Sale of pistols. (A) Definitions: *Retailer.* The word "retailer" shall include any person engaged in selling of any items, new or used, in single lots, regardless of price, to persons not commonly known to be in the business of retail selling.

Pistol. The word "pistol" shall include any pistol, derringer or revolver, except that in this section shall not include any antique pistol.

Antique pistol. The term "antique pistol" means:

(1) Any pistol (including any pistol with a matchlock, flintlock, percussion cap or similar type of ignition system) manufactured in or before 1898, and

(2) Any replica of any pistol described in subparagraph (1) if such replica: (a) Is not designed or redesigned for using rimfire or conventional centerfire ammunition, or (b) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(B) It shall be unlawful for any retailer to loan, sell, rent or otherwise transfer or to permit or cause to be loaned, sold, rented, or otherwise transferred, a pistol to any person except as set out in this section.

(C) The retailer shall obtain in writing upon duplicate forms to be supplied by the police department the [information required by local authorities] * * *.

(D) Forward the original of the required form, listed in subsection (C), to the police department within ten (10) days after sale or transfer of possession of pistol.

(E) Maintain the duplicate copy on record at the retailer's place of business for twelve (12) months for inspection by any commissioned law enforcement officer.

Utah

State Law

Utah Code Ann.

76-10-306. "Infernal machine" defined. An infernal machine is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, loaded pistol, or gun, or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened, or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.

76-10-308. Infernal machine—Construction or possession. Every person who knowingly constructs or contrives any infernal machine, or with intent to injure another in his person or property, has any infernal machine in his possession is guilty of a felony of the third degree.

76-10-501. Definitions. For the purpose of this part: (1) "Dangerous weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In construing whether an item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object, or thing; the character of the wound produced, if any; and the manner in which the instrument, object, or thing was used shall be determinative.

(2) "Firearms" means pistols, revolvers, sawed-off shotguns, or sawed-off rifles, and/or any device that could be used as a weapon from which is expelled a projectile by any force.

(3) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches in length, or in the case of a rifle, having a barrel or barrels of less than sixteen inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification or otherwise) if the weapon as modified has an overall length of less than 26 inches.

(4) "Prohibited area" means any place where it is unlawful to discharge a weapon.

(5) "Crime of violence" means murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or an attempt to commit any of the foregoing offenses.

(6) "Bureau" means the Utah state bureau of criminal identification.

76-10-503. Possession of dangerous weapon; Persons not permitted to have (1) Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the

United States, the state of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon as defined in this part. * * *

(2) Any person who is on parole for a felony or is incarcerated at the Utah state prison shall not have in his possession or under his custody or control any dangerous weapon as defined in this part. * * *

76-10-509. Possession of dangerous weapon by minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

76-10-524. Purchase of firearms in contiguous states pursuant to federal law. This part will allow purchases of firearms and ammunition by residents in contiguous states pursuant to the Federal Fire Arms Gun Control Act of 1968, section 922, paragraph B, no. 3.

Clinton

* * * * *

33. Unlawful to Sell Firearms to Children Under Fourteen. It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, * * * or any other such type instrument designed to propel or throw missiles.

Emery

13-1050-3. Possession of dangerous weapon by convicted person, drug addict, or mentally incompetent person prohibited. Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon * * *.

Honeyville

13-1050-3. Possession of dangerous weapon by convicted person, drug addict, or mentally incompetent person prohibited. Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon * * *.

Logan

12-7-10. Revolvers, sale to minors, display prohibited. It shall be unlawful for any person, firm or corporation to exchange with, buy from, or sell to any minor under the age of eighteen (18) years any gun, pistol or revolver; or to show or display any pistol or revolver in any window or showcase in this city.

12-12-9. Sales to intoxicated persons and minors. No person in Logan City shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant or to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years of age.

Mount Pleasant

15-6-5. Unlawful to Sell Firearms to Children under Fourteen. It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm * * *

Murray

17-6. Sales of firearms and other weapons prohibited. It shall be unlawful for any person to sell, give or furnish to any minor any firearm * * *.

20-23. Firearms and explosives—Permit for purchase. It shall be unlawful for any person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purpose of commerce, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive, within the city, any pistol, revolver, gun or similar weapon, or any ammunition, shell, powder, dynamite or other explosive, unless the buyer, borrower or person receiving such weapon, ammunition or explosive shall first obtain and deliver to and the same be demanded and received by the person selling, loaning or delivering such weapon, ammunition or explosive, within thirty days after the issuance thereof, a permit of the chief of police authorizing such person to acquire such weapon, ammunition or explosive.

Such permit may be issued by the chief of police if he is satisfied that the person applying for the same is of good moral character and of lawful age, and that the purpose for which the same is sought is lawful, and the granting of the same will not endanger public safety. * * *

Paragonah

13-1050-3. Possession of Dangerous Weapon by Convicted Person, Drug Addict, or Mentally Incompetent Person Prohibited. Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon as defined in this part.

13-1050-9. Possession of Dangerous Weapon by Minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

Payson

7-05-040 Minors—Sale to—Prohibited. It shall be unlawful for any person, firm or corporation to give or to sell or to furnish to any minor under the age of fourteen years, any pistol, gun, target gun or other firearm * * *

7-05-050 Sale of Firearms to be Recorded—Purchaser to Register Weapon. It shall be unlawful for any person to sell, loan, or give away any pistol, revolver, gun or similar weapon, without first making a full and complete record in a book kept by him for that purpose * * *

Richmond City

13-1050-3. Possession of Dangerous Weapon by Convicted Person, Drug Addict, or Mentally Incompetent Person Prohibited. Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic

drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon * * *.

13-1050-9. Possession of Dangerous Weapon by Minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon * * *.

Salt Lake City

Sec. 32-6-5. Unlawful to sell firearms to children under fourteen. It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, * * * or any other such type instrument designed to propel or throw missiles.

Salt Lake County

16-4-1. Unlawful use of weapons. (1) A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufacturers, purchases, possesses or carries any * * * shotgun with a barrel less than eighteen inches in length, * * * or

(f) Possesses any device or attachment of a kind designed, used or intended for use in silencing the report of any firearm.

16-4-3. Record of sale. It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, powder, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose, * * *

16-4-4. Seller to require permit. It shall be unlawful for any person to sell, trade or otherwise furnish to another any pistol, revolver or concealable gun or weapon unless the person to whom said pistol, revolver, gun or weapon is sold, traded or otherwise furnished exhibits and delivers to the person selling, trading or furnishing such pistol, revolver, gun or weapon a permit issued by the sheriff authorizing and permitting the person to purchase or receive such pistol, revolver, gun or other concealable weapon.

16-4-5. Obtaining weapons without permit illegal. It shall be unlawful for any person to purchase or otherwise obtain a pistol, revolver, gun or other concealable weapon without first obtaining a permit from the sheriff.

16-4-8. Furnishing to minors. It shall be unlawful for any person, firm or corporation except a parent or guardian, to give, or to sell or to furnish to any minor, any instrumentality named in the above-mentioned provisions.

South Salt Lake

Sec. 8B-2-7. Firearms. Any person who sells, gives away, or disposes of, or offers to sell, give away, or dispose of any pistol, gun, target gun, or other firearm to any person under the age of fourteen (14) years is guilty of a misdemeanor.

Tooele City

11-10-24: Possession of dangerous weapon by minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

Vermont

State Law

Vt. Stat. Ann.

Title 13

Sec. 4006. Record of firearm sales. All pawnbrokers and retail merchants dealing in firearms shall keep a record book in which they shall record the sale by them of all revolvers and pistols, and the purchase by them of all secondhand revolvers and pistols. Such record shall include the date of the transaction, the marks of identification of the firearm, including the manufacturer's name, the caliber, model and manufacturer's number of the firearm, the name, address, birthplace, occupation, age, height, weight and color of eyes and hair of the purchaser or seller. Such purchaser or seller shall sign his name to the record * * *.

Sec. 4007. Furnishing firearms to children. A person, firm or corporation, other than a parent or guardian, who sells or furnishes to a minor under the age of sixteen years a firearm or other dangerous weapon or ammunition for firearms shall be fined not more than $50.00 nor less than $10.00. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill.

Sec. 4008. Possession of firearms by children. A child under the age of sixteen years shall not, without the consent of his parents or guardian, have in his possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. * * *.

Sec. 4010. Gun silencers. A person who manufacturers, sells or uses or possesses with intent to sell or use, an appliance known as or used for a gun silencer shall be fined $25.00 for each offense. * * *.

Sec. 4013. Zip guns; * * *. A person who possesses, sells or offers for sale a weapon commonly known as a "zip" gun, * * * shall be imprisoned not more than ninety days or fined not more than $100.00.

Sec. 4014. Purchase of firearms in contiguous states. Residents of the state of Vermont may purchase rifles and shotguns in a state contiguous to the state of Vermont provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the contiguous state in which the purchase is made.

Virginia

State Law

Code of Va.

Title 15

15.1-523. Pistols and revolvers; license tax on dealers. The governing body of any county may impose a license tax of not more than twenty-five dollars on persons engaged in the business of selling pistols and revolvers to the public.

15.1-525. Same; in certain counties. Chapter 297 of the Acts of 1944, approved

March twenty-nine, nineteen hundred forty-four, requiring permits to sell or purchase pistols or revolvers in any county having a density of population of more than one thousand a square mile, is continued in effect.

Sec. 18.2-284. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges.

Article 5.

Uniform Machine Gun Act.

Sec. 18.2-288. Definitions. When used in this article:

(1) "Machine gun" applies to any weapon which shoots or is designed to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

Sec. 18.2-289. Use of machine gun for crime of violence. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a Class 2 felony.

Sec. 18.2-290. Use of machine gun for aggressive purpose. Unlawful possession or use of a machine gun for an offensive or aggressive purpose is hereby declared to be a Class 4 felony.

Sec. 18.2-291. What constitutes aggressive purpose. Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun has not been registered as required in Sec. 18.2-295; or

(4) When empty or loaded shells which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

Sec. 18.2-292. Presence prima facie evidence of use. The presence of a machine gun in any room, boat or vehicle shall be prima facie evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

Sec. 18.2-293. What article does not apply to. The provisions of this article shall not be applicable to:

(1) The manufacture for, and sale of, machine guns to the armed forces or law-enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation required for that purpose; and

(2) Machine guns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

Sec. 18.2-293.1. What article does not prohibit. Nothing contained in this article shall prohibit or interfere with:

(1) The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; and

(2) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

Provided, however, that possession of such machine guns shall be subject to the provisions of Sec. 18.2-295.

Sec. 18.2-294. Manufacturer's and dealer's register; inspection of stock. Every manufacturer or dealer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provisions of this section shall be punishable as a Class 3 misdemeanor.

Sec. 18.2-295. Registration of machine guns. Every machine gun in this State shall be registered with the Department of State Police within twenty-four hours after its acquisition. Thereafter it shall be registered annually. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed shall be notarized and shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The Superintendent of State Police shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a Class 3 misdemeanor, and any peace officer, may without warrant, seize the machine gun and apply for its confiscation as provided in Sec. 18.2-296. No registered machine gun shall be transferred without the registrant notifying in writing the Superintendent of State Police the name and address of the transferee. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

Article 6.

"Sawed-Off" Shotgun Act.

Sec. 18.2-299. Definitions. When used in this article:

(1) "Sawed-off shotgun" applies to any weapon, loaded or unloaded, originally designed as a shoulder weapon, utilizing a self-contained cartridge from which a number of ball shot pellets or projectiles may be fired simultaneously from a smooth or rifled bore by a single function of the firing device and which has a barrel length of less than eighteen inches for smooth bore weapons and sixteen inches for rifled weapons. Weapons of less than .225 caliber shall not be included.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

Sec. 18.2-300. Possession or use of "sawed-off" shotgun for crime of violence. Possession or use of a "sawed-off" shotgun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a Class 2 felony.

Sec. 18.2-301. Possession or use of "sawed-off" shotgun for offensive or aggressive purpose. Unlawful possession or use of a "sawed-off" shotgun for an offensive or aggressive purpose is hereby declared to be a Class 4 felony.

Sec. 18.2-302. What constitutes offensive or aggressive purpose. Possession or use of a "sawed-off" shotgun shall be presumed to be for an offensive or aggressive purpose:

(1) When the "sawed-off" shotgun is found in the possession of an individual at the scene

of a riot or civil disturbance, unless such possession is on premises owned or rented by the individual for residential, recreational or business purposes and obviously for defense of his person, family or property during such riot or civil disturbance;

(2) When the "sawed-off" shotgun is in the possession of, or used by, a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; * * *

(4) When the "sawed-off" shotgun is found in the possession of an individual under circumstances indicating his preparation to participate in a riot or civil disturbance or his preparation for the commission of a crime of violence.

Sec. 18.2-303. What article does not apply to. The provisions of this article shall not be applicable to:

(1) The manufacture for, and sale of, "sawed-off" shotguns to the armed forces or law-enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation required for that purpose; and

(2) "Sawed-off" shotguns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

Sec. 18.2-303.1. What article does not prohibit. Nothing contained in this article shall prohibit or interfere with the possession of a "sawed-off" shotgun for scientific purposes, or the possession of a "sawed-off" shotgun not usable as a firing weapon and possessed as a curiosity, ornament, or keepsake.

Sec. 18.2-304. Manufacturer's and dealer's register; inspection of stock. Every manufacturer or dealer shall keep a register of all "sawed-off" shotguns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt of every "sawed-off" shotgun, the name, address, and occupation of the person to whom, the "sawed off" shotgun was sold, loaned, given or delivered, or from whom it was received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of "sawed-off" shotguns, and "sawed-off" shotgun barrels, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable as a Class 3 misdemeanor.

Sec. 18.2-309. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a Class 4 misdemeanor.

Sec. 58-394. Pistol dealers. Every person, firm or corporation engaged in the business of selling pistols at retail shall pay for such privilege a special license tax of five dollars per annum.

59.1-148.1. Purchase of firearms in contiguous state. Any resident of the Commonwealth of Virginia, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same into the Commonwealth of Virginia provided the sale meets the lawful requirements of each such state, meets all lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Abingdon

Sec. 29-6. Selling pistols, etc., to minors under eighteen years of age. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age. * * *.

Alexandria

Article II

Sec. 41-7. Condition of pistol or revolver when delivered to purchaser. Every pistol or revolver sold or otherwise disposed of by a pistol or revolver dealer shall be securely wrapped and unloaded when delivered.

Sec. 41-8. Procedure for sale of pistols or revolvers; sale to certain persons prohibited. Every person desiring to purchase or otherwise acquire in the city a pistol or revolver shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol or revolver, [contact local authorities for required contents] * * *.

* * * No person shall within the city deliver or otherwise dispose of a pistol or revolver until seventy-two hours shall have elapsed from the time of the application.

No person shall within the city sell or otherwise dispose of a pistol or revolver to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under the age of eighteen years, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hour waiting period required by this section, the superintendent of police or anyone designated by him shall inform the proposed seller or person proposing to dispose of a pistol or revolver that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under the age of eighteen years, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is so unqualified to acquire such weapon.

* * * * *

Sec. 41-9. Record of pistols or revolvers sold or disposed of. Every person delivering or disposing of a pistol or revolver shall make in duplicate a true record of every such weapon sold or otherwise disposed of, which record shall be personally signed by the purchaser or person receiving the weapon and also by the person making the sale or disposition in the presence of each other. * * *

Division 2. Permits for Engaging in Business as Dealers.

Sec. 41-13. Required. Any person desiring to engage in the business of selling or dealing in pistols or revolvers in the city at retail shall obtain from the superintendent of police to permit to deal in such weapons. This permit shall be in addition to the revenue license required by section 58-394, of the Code of Virginia, and of any city revenue license.

* * * * *

Appomattox

17-4. Sale, etc., of guns * * *, to minors under age of eighteen years. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, air rifle, pistol, cartridge, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Arlington County

Chapter 297

1. In any county having a density of population of more than one thousand a square mile, as shown by the last preceding United States census, any person, firm or corporation engaged in the business of selling pistols or revolvers at retail shall, before making any such sale, register as such a dealer with the chief of police of the county and obtain from him a permit to sell such weapons to persons

entitled to buy them, which permit he shall issue upon his being satisfied with the fitness of the dealer to engage in such business. Such permits shall be issued for a period of one year.

Any person desiring to buy at retail or otherwise acquire a pistol or revolver shall first apply to the chief of police, hereinafter called the Chief, for a permit so to do, and shall at the same time give to the Chief such information as he requires concerning his fitness to own and possess such weapon. The Chief may grant such permit, or refuse same or defer the application until he has made an independent investigation of the applicant; provided no permit shall be granted to any person under the age of eighteen years, nor until the Chief is satisfied that the applicant is a proper person to own and have the weapon in his possession.

No dealer holding a permit issued hereunder shall sell, give, barter, exchange or furnish a pistol or revolver to any person unless he delivers to the dealer the permit of the Chief as required in this act. Upon the delivery of any such weapon to any person by the dealer, he shall endorse on the permit the date of delivery, the name and address of the person to whom delivered, the number, and the make and calibre of the pistol or revolver, and shall return the permit to the Chief not later than the day following that on which the weapon was sold or furnished.

The Chief shall make and preserve in his office a record of all permits issued by him hereunder, showing thereon the dates when and the persons to whom issued.

Any person violating any provision of this act shall be guilty of a misdemeanor.

NOTE: Arlington County, Virginia comes within the purview of the aforementioned act.

11-47. Pistol dealers. Every person selling pistols in the county shall pay for the privilege an annual license tax of twenty-five dollars, which-tax shall not be prorated. Before issuing any license under the provisions of this section the Commissioner of the Revenue shall obtain from the applicant evidence that he has obtained a permit from the Chief of Police in accordance with Acts of Assembly 1944, Chapter 297.

Bedford

Sec. 14-72. (Weapons)—Furnishing pistols, * * * to minors under eighteen years of age. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall, upon conviction, be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Sec. 14-73. Same—Sale, etc., of toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. * * *

Big Stone Gap

10-53. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. * * *

Nothing in this section shall be construed as preventing the sale of what are commonly known as cap pistols.

10-56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Bridgewater

4-37. Prohibiting sales to minors. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol * * * tear gas pen, or gun or other weapon of like kind, having good cause to believe him or her to be a minor under eighteen years of age.

Bristol

9-8. Definition. "Small arms ammunition", wherever used in this division, shall be taken to mean any shotgun, rifle, pistol or revolver cartridges.

9-9. Permit for manufacture, etc. No person shall manufacture or reload within the city any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention.

9-10. Permit for sale, etc. No person shall store for sale, or sell or offer for sale any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention.

Brunswick County

Sellers to obtain identity of purchaser; * * * In obtaining the name and address of the purchaser, * * * if the purchaser be not personally known to the seller, the seller shall use such means and methods to secure the correct name and address as are generally employed in Brunswick County to obtain the correct identity of a person tendering a check for payment * * *.

Purchasers to notify sheriff of intention to purchase pistols and revolvers. Any person intending to purchase a pistol or revolver shall first notify the Sheriff of Brunswick County of his intention so to do at least thirty (30) days before said purchase and shall state the type and calibre or calibres of said weapon or weapons and the name of the intended seller and purchaser. Whereupon, the Sheriff shall execute a writing, signed by him, showing thereon said information and shall deliver a copy thereof to the intended purchaser to exhibit to the seller.

Charlottesville

15-47. Dealers in firearms * * * No person shall sell firearms, dirks or Bowie knives without having first procured a license therefor. * * *

17-35. (Firearms)—Sales, etc., to minors. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age.

17-36. (Firearms)—Sales of firearms. Permit required. No person shall sell firearms, * * * without having first procured an annual permit from the city manager to engage in such business.

Chase City

Sec. 13-20. Minors generally—Furnishing certain weapons * * * to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * *, having good cause to believe him to be a minor under eighteen years of age, * * * such person shall be guilty of a misdemeanor * * *.

Chesapeake

Sec. 17-60. Same—Permit generally. No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, * * * or any weapon of like kind, unless and until a permit, granted by the chief of police, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such

weapon, who shall preserve it for inspection, upon request, by the police of the city.

Chesterfield

Sec. 12-169. Pistol dealers—License required; tax. Any person engaged in the business of selling pistols and revolvers to the public shall obtain an annual county pistol dealer's license * * *.

Sec. 15-156. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. * * * Nothing in this section shall be construed as preventing the sale of what are commonly known as cap pistols.

Sec. 15-162. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor * * *.

Clifton Forge

13-44. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen (18) years of age, a pistol, * * * having good cause to believe him to be a minor under eighteen (18) years of age. * * *

Colonial Heights

Sec. 15-53. * * * Sales, etc., to persons under age eighteen. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age, he shall be fined not less than two dollars nor more than one hundred dollars.

Clintwood

Chapter 10

Section 56. Furnishing certain weapons to minors. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * *, having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Covington

Sec. 17-3. Furnishing weapon to minor. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen (18) years of age, any pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Sec. 17-4. Furnishing ammunition to minor. It shall be unlawful for any person to sell, give, lend, barter or furnish or cause to be sold, given, lent, bartered or furnished to any person under the age of eighteen years any gunpowder or similar explosive substance, shells, cartridges, shot or pellets.

Sec. 17-5. Possession, transportation of certain weapons by minors. (a) It shall be unlawful for any person under the age of eighteen years to have in his possession or to carry or transport any gun, pistol, cannon or similar instrument capable of shooting or firing any shell, bullet, cartridge, or exploding any powder or similar substance, or propelling any ball, bullet, shot or pellet or similar object, by any means, for a distance of more than fifty (50) feet. * * *

Culpeper

27-4. Furnishing certain weapons to minors. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age. * * *.

Damascus

Sec. 14-25. (Weapons)—Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor * * *.

Elkton

33-2. Sale of certain weapons to minors under age of eighteen years. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, * * * tear gas, pen or gun, or other weapon of like kind, having good cause to believe him to be a minor under eighteen years of age.

Emporia

Sec. 14-75.—Pistol permit required prior to purchase. It shall be unlawful for any person to purchase a pistol of any calibre or description within the city unless such person shall have obtained a written permit from the chief of police of the city authorizing such purchase. * * *

Sec. 14-76.—Exhibiting pistol permit to seller. It shall be unlawful for any person to sell a pistol of any calibre or description within the city to any person unless such purchaser shall first exhibit to the person selling the pistol, a written permit, executed by the chief of police of the city, authorizing the sale and purchase of a pistol within the city.

Fairfax City

1966-2B. (A) Definitions. The following terms, whenever used in this article shall have the meanings respectively set forth in this section, unless a different meaning is clearly required by the context:

"Applicant." Any person, firm, or corporation applying to the Chief of Police for certificate of registration to sell firearms or for authority to purchase a pistol.

"Chief of Police." The Chief of the City of Fairfax Police Department or his designated agent.

"Crime of Violence." Any of the following crimes or an attempt to commit any of the same, to-wit: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping, mayhem, and assault.

"Fixed Ammunition." Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

"Habitual Drunkard." Any person who has been convicted of being drunk in public three or more times within a period of one year.

"Licensed Dealer." Any person, firm or corporation engaged in the business of selling at retail or renting pistols in the City of Fairfax, who is either licensed, or required to be licensed, as such under State or Federal Law.

"Person." As used in this Ordinance includes individual, firm, association, or corporation.

"Pistol." Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

(B) Dealers registration required * * *. (1) Any person, before engaging in the business of selling at retail or renting pistols in the City of Fairfax, Virginia, shall be required to register with the Chief of Police on

application forms furnished by the Chief of Police. * * *

(C) **Dealers not to sell, etc., without registration.** (1) It shall be unlawful for any person, firm or corporation to engage in the business of selling at retail or renting pistols without having in force a registration approved by the Chief of Police as hereinbefore provided. * * *

(E) **Dealers not to sell, etc., to minors and other persons.** (1) No licensed dealer, or other person, shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under 21 years of age, a pistol, having good cause to believe him to be a minor under 21 years of age nor shall any licensed dealer or other person sell, lend, rent, or otherwise transfer any pistol to any person whom he has reasonable cause to believe has been convicted of a crime of violence or a felony within the past 10 years, or is a drug addict, or is an habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent, or otherwise acquire a pistol by the Chief of Police under the provisions of this article.

(F) **Acquisition of pistols from dealers or other persons.** (1) Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer or other person shall make application under oath on forms provided by the Chief of Police * * *.

(G) **Approval of application.** (1) No licensed dealer or other person shall sell, rent, or transfer, any pistol to any purchaser who does not exhibit an application approved by the Chief of Police.

(H) **Waiting period for sale of pistols.** (1) Except as hereinafter provided the Chief of Police shall approve the application of a purchaser of a pistol within 72 hours of the delivery of the same to the Chief of Police, excluding Saturdays, Sundays, and Holidays, unless he shall find one or more of the enumerated statements on the application to be untrue.

(2) Where the applicant is a nonresident of the City of Fairfax, but has been a resident of the State of Virginia for more than 3 years, immediately preceding the date of application the aforesaid time shall be extended to 5 days.

(3) Where the applicant is a nonresident or has not resided in the State of Virginia for a period of 3 years next preceding the date of application the time shall be extended to 30 days.

(I) **Notice of rejection.** (1) If, within the prescribed period, the Chief of Police shall inform in writing the licensed dealer or other person who proposes to sell the pistol that the application was rejected * * * it shall be unlawful for the dealer to deliver the pistol to the applicant.

(2) A copy of the letter of denial of the Chief of Police shall be furnished the applicant by the licensed dealer.

(K) **Exemptions.** (1) This article shall not apply to: (a) purchases by any licensed dealer registered in accordance with the provisions of this article; (b) rental of pistols by persons eighteen years of age or over while used upon a supervised rifle or pistol range; (c) the delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment for safekeeping or for repairs; (d) a wholesale purchase from a licensed dealer by any person, firm or corporation engaged in the business of manufacturing, repairing, or selling pistols at retail.

Fairfax County

Sec. 6-1-1. Definitions. When used in this article, the following words shall have the following meanings, unless the context clearly requires a different meaning:

* * * * *

(2) **Firearm** shall mean any weapon which will, or is designed to, or may be readily converted to, expel a projectile or projectiles by the action of an explosive; provided, that stud nailing guns, rivet guns and similar construction equipment neither designed nor intended as weapons, shall not be deemed firearms.

(3) **Gun** shall mean and includes rifles, shotguns, pistols or other firearms, and also includes any air gun, air rifle or other similar device designed and intended to expel a projectile through a gun barrel of any length by means of explosive, expansion or release of compressed gas or compressed air.

* * * * *

(5) **Pistol** shall mean a gun having a barrel of less than sixteen (16) inches in length.

* * * * *

(7) **Rifle** shall mean a gun designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive or compressed gas or compressed air to expel a single projectile through a rifled barrel for each pull of the trigger.

(8) **Shotgun** shall mean a weapon designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive in a shotgun shell to fire thorugh through smooth bore one or a number of ball shot for each pull of the trigger.

(9) **Starting pistols** shall mean any device which is designed or functions to [simulate] the firing of a weapon by means of a primer or other explosive charge, but which cannot be readily converted for use as a firearm as defined in this Section.

Sec. 6-1-5. Transfer, etc., of guns to minors prohibited; exceptions. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or starting pistol as defined by section 6-1-1, or any projectile therefor within the county to a minor under the age of eighteen (18) years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

Sec. 6-3-1. Definitions. The following terms, whenever used in this article, shall have the meanings respectively set forth in this section unless a different meaning is clearly required by the context:

(1) Chief of police. The chief of the county police department or his designated agent.

(2) Crime of violence. Any of the following crimes or an attempt to commit any of the same: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping and assault.

(3) Habitual drunkard. Any person who has been convicted of being drunk in public three or more times within a period of one year.

(4) Fixed ammunition. Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

(5) Licensed dealer. Any person engaged in the business of selling at retail or renting pistols in the county who is either licensed or required to be licensed as such under state or federal law.

(6) Pistol. Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

Sec. 6-3-2. Registration of dealers—Required; application; * * * (a) Any person, before engaging in the business of selling at retail or renting pistols in the county, shall be required to register with the chief of police on application forms furnished by the chief of police.* * *

Sec. 6-3-3. Dealer's registration certificate required; * * *. (a) It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the chief of police as hereinbefore provided. * * *

Sec. 6-3-5. Sale of pistols to minors, drug addicts, habitual drunkards, and others prohibited. (a) No licensed dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen (18) years of age a pistol, having good cause to believe him to be a minor under eighteen (18) years of age, nor shall any licensed dealer sell, lend, rent or otherwise transfer any pistol to any person whom such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is an habitual drunkard or is a fugitive from justice or is of unsound mind nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the chief of police under the provisions of this article.

Sec. 6-3-6. Application for acquisition of pistol. Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer shall make application

on forms provided by the chief of police, which shall be signed in duplicate by such person [contact local authorities for required contents] * * *.

Sec. 6-3-7. Waiting period prior to delivery of pistol to purchaser—Required. No licensed dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the chief of police. The chief of police shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

Sec. 6-3-8. Same—Grounds for prohibiting delivery; notice to dealer of prohibition. If, within the seventy-two hour period, the chief of police shall inform, in writing, which shall not be privileged, the licensed dealer who proposes to sell the pistol that the applicant to purchase such pistol is (1) under the age of eighteen years, (2) a person who has been committed to an institution for treatment of mental illness or drug addiction and has not been discharged therefrom for a period of three years preceding the date of such application, (3) has been convicted of a crime of violence or (4) is an habitual drunkard, it shall be unlawful for the dealer to deliver the pistol to the applicant.

Falls Church

Sec. 24-46. Sales of weapons to minors. It shall be unlawful to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Sec. 40-1. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Any of the following crimes, or any attempt to commit any of the same: Murder, manslaughter; rape; mayhem; maliciously disfiguring another; abduction; kidnapping; burglary; house-breaking; larceny; any assault with intent to kill, commit rape or robbery; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

Machine gun. Any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manually reloading, by a single function of the trigger, but not a shotgun or twenty-two calibre rifle.

Pistols. Any firearm with a barrel less than twelve inches in length.

Sawed-off shotgun. Any shotgun with a barrel less than twenty inches in length.

Sell and purchase. Includes letting or hiring and similar forms of transferring.

Sec. 40-3. Unlawful possession of pistol. (a) No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the city if:

(1) He is a drug addict.

(2) He has been convicted in the city or elsewhere of a felony.

(3) He has been convicted of soliciting for prostitution, vagrancy or keeping a bawdy or disorderly house.

(4) He is not licensed under section 40-10 to sell weapons, and he has been convicted of violating section 40-2.

(5) He is a habitual drunkard.

(b) No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict or a habitual drunkard. Whoever violates this section shall be punished as provided in this Code, unless the violation occurs after he has been convicted of a violation of this section, in which case he shall be confined for not more than one year in jail.

Sec. 40-7. Sales of pistols to certain persons prohibited. No person shall within the city sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 40-3 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

Sec. 40-8. Transfers of firearms regulated. No seller shall within the city deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof; except, that the chief of police, in his discretion, may authorize in writing the seller to deliver a pistol to the purchaser during the seventy-two hours period, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. * * * The seller shall, within six hours after such application, or not later than 10:00 A.M. on the succeeding day, sign and attach his address and deliver one copy to such person as the chief of police of the city may designate, and shall retain the other copy for six years. The chief of police or his designate shall, upon receipt of an application to purchase a pistol, make such investigation of the applicant and file an information report with the seller stating whether or not the applicant is, in his opinion, prohibited by section 40-3 or 40-7 from purchasing a pistol. No machine gun, sawed-off shotgun or blackjack shall be sold to any person other than the persons designated in section 40-14 as entitled to possess the same and then only after permission to make such sale has been obtained from the chief of police of the city. This section shall not apply to sales at wholesale to licensed dealers.

Sec. 40-9. Weapon dealer's license—Required. No retail dealer shall, within the city, sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun or blackjack without being licensed as provided in section 40-10. No wholesale dealer shall, within the city, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

Sec. 40-10. Same—Issuance; conditions; records. The city council may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns and blackjacks at retail within the city subject to the following conditions, in addition to those specified in section 40-9 for breach of any of which the license shall be subject to forfeiture and the licensee subject to the punishment as provided in this Code:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.

(3) No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 40-3 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the person designated in section 40-14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the chief of police of the city.

(4) A true record shall be made in a book kept for the purpose [contact local authorities for required contents] * * *

(5) A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun and blackjack sold, such record to be made in a book kept for the purpose [contact local authorities for required contents] * * *

(6) No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of the premises where it can readily be seen from the outside. No license to sell at retail shall be granted to anyone except as provided in this section.

Sec. 40-11. False information forbidden in sale of weapons. No person shall, in purchasing a pistol or in applying for a license to carry same, or in purchasing a machine gun, sawed-off shotgun or blackjack within the city, give false information or offer false evidence of his identity.

Sec. 40-12. Alteration of identifying marks of weapons. No person shall within the city, change, alter, remove or obliterate

the name of the maker, model, manufacturer's number or other mark of identification on any pistol, machine gun or sawed-off shotgun. Possession of any pistol, machine gun or sawed-off shotgun upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered or obliterated the same within the city; provided, that nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the city engaged in experimental work.

* * * * *

Sec. 40-14. Possession of certain dangerous weapons prohibited. (a) No person shall, within the city, possess any machine gun, sawed-off shotgun * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms; provided, that machine guns or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy or Marine Corps of the United States, the National Guard or organized reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities or other valuables, wholesale dealers and retail dealers licensed under section 40-10.

Farmville

Sec. 18-49.[Weapons]—Permits for purchase and sale. (a) No person within the town shall purchase or otherwise procure as his own property or for temporary use any pistol. * * * or any weapon of like kind unless and until that person shall procure from the chief of police a permit in writing signed by the chief of police, granting the person permission to make the purchase or procure the weapon.* * * * *

Sec. 18-50. Same—Sale to minors. It shall be unlawful for any person to sell, barter, give, furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good reason to believe him to be a minor under eighteen years of age.

Follansbee

Sec. 14-44. Weapons—Sale, etc., by merchants of certain weapons to minors prohibited. It shall be unlawful for any storekeeper, merchant, or proprietor or employee of any business establishment within the city to sell, give, lend, lease or distribute to any minor * * * or any other rifle, gun or other weapon, mechanical device or toy of like character capable of shooting bullets, shots * * * or other dangerous missiles.

Franklin

31-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Fredericksburg

Sec. 17.1-25. Furnishing certain weapons * * * to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under sixteen years of age such person shall be guilty of a misdemeanor and be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Front Royal

Sec. 32-2. Furnishing pistols, * * *, to minors under eighteen years of age. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor and fined not less than two dollars and fifty cents nor more than one hundred dollars.

Galax

Sec. 11-93. Same—Sales, etc., to persons under age eighteen. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age, he shall be fined not less than two dollars nor more than one hundred dollars.

The term "firearms," as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

Greensville County

* * * it shall be unlawful for any person, firm, or organization to purchase a pistol of any calibre or description within Greensville County, Virginia, unless such person, firm, or organization shall have obtained a written permit from the Sheriff of Greensville County, Virginia, authorizing such purchase. * * * it shall be unlawful for any person, firm, or organization to sell a pistol of any calibre or description within Greensville County, Virginia, to any person, firm, or organization unless said purchaser exhibits a written permit executed by the Sheriff of Greensville County, Virginia, authorizing such purchase.

Hampton

Sec. 22-81. Pistol Dealers. Every person engaged in the business of selling pistols shall pay an annual license tax * * *.

41-4. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Harrisonburg

19-53. Same—Furnishing to persons under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Henrico County

Ordinance 80

Section 3. Permits (a) Every person desiring a license * * * to sell or offer to sell at retail, pistols or revolvers, or to buy at retail or otherwise acquire a pistol or revolver, shall first apply to the Chief of Police for a permit * * *. * * *

Herndon

Sec. 27-4. Transfer, etc., of guns to minors prohibited; exceptions. It shall be unlawful for any dealer to give, sell, rent, lend or

otherwise transfer any gun or any projectile therefor within the town to a minor, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

Gun Dealers Generally

Sec. 27-8. Permit—Required. It shall be unlawful for any dealer, except a dealer holding a permit under this article, to sell, lend or otherwise transfer any gun or projectile therefor. It shall be unlawful for any dealer to rent any gun or projectile therefor to another person.

* * * * *

Pistols

Sec. 27-13. Registration of dealers—Required; application. (a) Any person, before engaging in the business of selling at retail or renting pistols in the town, shall register with the town sergeant on application forms furnished by the town sergeant. * * *

* * * * *

Sec. 27-17. Same—Engaging in business while unregistered prohibited. It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the town sergeant as provided in this article.

Sec. 27-18. Sale of pistols to minors, drug addicts, habitual drunkards, etc., prohibited. No dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor a pistol, having good cause to believe him to be a minor under eighteen years of age, nor shall any dealer sell, lend, rent or otherwise transfer any pistol to any person who such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is an habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the town sergeant under the provisions of this article.

Sec. 27-19. Application for acquisition of pistol. Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a dealer shall make application on forms provided by the town sergeant, [contact local authorities for required contents] * * * Within eight hours after receipt of such application, the dealer who proposes to sell a pistol shall sign and attach his address and mail or deliver one copy of such statement to the town sergeant. A duplicate of the application shall be retained by the dealer for six years.

Sec. 27-20. Waiting period prior to delivery of pistol to purchaser—Required. No dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the town sergeant. The town sergeant shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

Sec. 27-21. Same—Grounds for prohibiting delivery; notice to dealer of prohibition. If, within the seventy-two hour period, the town sergeant shall inform, in writing, which shall not be privileged, the dealer who proposes to sell the pistol that the applicant to purchase such pistol is [not eligible] * * * it shall be unlawful for the dealer to deliver the pistol to the applicant. A copy of the letter of denial of the town sergeant shall be furnished the applicant by the dealer.

* * * * *

Hopewell

Sec. 41-3. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor and shall be fined not less than two dollars nor more than one hundred dollars.

Jarratt

Section 1. (A) * * * it shall be unlawful for any person, firm or organization to purchase a pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(B) * * * it shall be unlawful for any person, firm or organization to sell a pistol of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless said purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(C) * * * it shall be unlawful for any person, firm or organization to purchase a rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(D) * * * it shall be unlawful for any person, firm or organization to sell a rifle of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless such purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

Section II. (A) * * * it shall be unlawful for any person, firm or organization to offer for sale any pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such pistol.

(B) * * * it shall be unlawful for any person, firm or organization to offer for sale any rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such rifle.

Kilmarnock

Chapter 26—Weapons

Sec. 26-5. Furnishing pistols, dirks, etc., to minors under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age. Any person violating this section shall be fined * * *.

Leesburg

24-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Lexington

Sec. 27-5. Sale, etc., of guns * * * to minors under age of eighteen years. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, * * * pistol, cartridge, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Luray

28-5. Furnishing pistols, * * * to minors under eighteen years of age. If any person

sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Lynchburg

33-2. Selling, etc., dangerous weapons to minors. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, any firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age, such person shall, upon conviction, be fined not less than ten dollars, nor more than one hundred dollars.

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to use in any form powder and shot, or balls or pellets, or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

Manassas Park

30-4. Possession of pistols, etc., of home-made construction. It shall be unlawful for any person within the town to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made construction; provided, that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

Middletown

Sec. 16-5. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Narrows

45. * * * it shall be unlawful for any child under 18 years of age to have in possession within the town of Narrows, any * * * small caliber firearm, and that it shall be unlawful for the parent of any child under the age of 18 years to permit such child to possess any such * * * small caliber firearm.

Newport News

Sec. 42-1. Sale of firearms and revolvers. It shall be unlawful for any person to sell to any individual under eighteen years of age any firearm of any type or any deadly weapon of whatever nature, or the ammunition thereof.

It shall be unlawful for any person to sell to any individual under twenty-one years of age any firearm being a revolver, pistol or handgun, or firearm of similar nature, or the ammunition thereof.

For the purpose of this section, the word "firearm" shall be taken to mean any instrument used in the propulsion of shot, shell, bullet or pellet by the action of gunpowder exploded within it.

Sec. 42-22. Statement of purchases, etc.—Generally. It shall be unlawful for any dealer to sell or otherwise transfer any pistol without first having obtained a signed statement from the purchaser of such pistol or from the transferee thereof [contact local authorities for required statement] * * *.

Norfolk

Sec. 51-5. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor and be punished by a fine not exceeding one hundred dollars.

Sec. 51-7. Permit for purchase of certain weapons. No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, * * * unless and until a permit, granted by the judge of the corporation court in term time, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall surrender to the person furnishing such weapon, * * *

Petersburg

Article II. Purchase, Sale, etc.

Sec. 48-8. Permits to buy, etc., pistol, dirk, etc. No person within the city shall purchase or otherwise procure, as his own property, or for temporary use, any pistol * * * unless and until such person shall procure from the chief of police of the city a permit in writing, signed by the chief of police, granting such person permission to make such purchase or to procure such weapon; and such permit shall be delivered to and kept on file by the person from whom such purchase is made or from whom such weapon is procured, and shall be open to inspection by any police officer of the city. No person shall sell, give, or deliver to any person within the city any pistol, * * * unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person who shall sell, give or deliver such weapon, a permit such as is referred to above. Nothing in this section shall apply to the sale, gift or delivery, or to the purchase or procurement of low powered rifles or rifle ammunition therefor of twenty-two calibre and under, commonly used for target practice purposes.

Sec. 48-11. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor and shall be fined not less than two dollars nor more than one hundred dollars.

Poquoson

Sec. 31-5. Possession of pistols, etc., of home-made construction. It shall be unlawful for any person within the town to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made contruction; provided, however, that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

Sec. 31-7. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Portsmouth

Section 21-35. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor. Each sale of any of the articles hereinbefore specified to any person shall constitute a separate offense.

Section 21-39. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Section 21-42, Permit required to obtain weapon from dealer. Before any person purchases or otherwise acquires from a

dealer any pistol, * * * or any weapon of a like kind, he shall obtain a permit therefor from the chief of police.

Pound

Chapter 10

* * * * *

Section 56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

* * * * *

Section 53. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. * * *

Prince Edward County

(1) No person within the County of Prince Edward shall purchase or otherwise procure as his own property, or for temporary use, any pistol, * * * or any weapon of like kind, unless and until, such person shall procure from the Sheriff of Prince Edward County a permit, in writing, signed by the Sheriff, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the County of Prince Edward any pistol, * * * or any other weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

* * * * *

Radford

Sec. 14-30. (Weapons)—Sale of certain weapons to minors. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars.

Richmond

Sec. 22-38 Weapons—Definitions. When used in sections 22-38 to 22-48 the following words shall have the meanings ascribed to them as follows:

Ammunition. An explosive cap, cartridge, pellet, ball, missile or projectile adapted for use in a firearm, toy pistol or toy rifle.

Firearm. A weapon in which ammunition may be used or discharged by explosion, pneumatic pressure or mechanical contrivance, but shall not mean a toy pistol or toy rifle.

Minor. A person under the age of twenty-one years. A person of the age of eighteen years or older may purchase weapons and ammunition other than hand guns or hand gun ammunition.

Sec. 22-41. Same—Sale or exchange. No person shall sell or exchange within the city limits any pistol, * * * or pistol or rifle ammunition, unless and until he shall first have obtained a permit to be granted by the director of public safety to sell or exchange such weapon. Such permit shall be exhibited to the person to whom such weapon is sold or exchanged * * *

Sec. 22-42. Same—Purchase. No person shall purchase, or otherwise procure as his own property or for temporary use any pistol, * * * or pistol or rifle ammunition, unless and until he shall procure a permit from the director of public safety granting permission to make such purchase or to procure the same for use as aforesaid, which permit shall be filed with the person from whom such purchase or exchange is made; provided, that in this section [nothing] shall apply to the sale or exchange of low-power rifles or rifle ammunition known or designated as 22-calibre, commonly used for target practice purposes.

Sec. 22-48. Same—Same—Sale, etc., of ammunition, firearms to.

If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a Class 4 misdemeanor.

* * * * *

Sec. 29-126. Permits from director of public safety required for certain licenses. (a) Every person desiring * * * to sell or offer to sell at retail pistols or revolvers or to buy at retail or otherwise acquire a pistol or revolver under the provisions of section 29-238 of this Code, * * * shall first apply to the director of public safety for a permit (contact local authorities for requirements).

Rocky Mount

Sec. 12-86. Furnishing pistols, * * * to minors under eighteen years of age. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be a minor under eighteen years of age. * * * * *

Round Hill

Sec. 24-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Salem

Sec. 31-6. Selling, etc., pistols, etc., to minors under eighteen years of age. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

* * * * *

Sec. 31-7. Sale, etc., of toy firearms. It shall be unlawful for any person to sell, barter, exchange, furnish, or dispose of by purchase, gift or in other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. * * * * *

Smithfield

Sec. 12-14. Any person in the town who offers for sale any pistol or revolver, when requested by a prospective purchaser to sell him such a firearm, shall first send the purchaser to the chief of police * * *.

The chief of police shall fill out a report either authorizing or declining to authorize the purchase of the weapon and the purchaser shall return to the seller with this police report. Should the report authorize the sale, the seller may proceed to sell the weapon requested, but if the report does not authorize the sale, the seller shall not complete the sale.

Southampton County

18-1. Pistol permit. No person shall purchase a pistol within the county without ob-

taining a permit from the sheriff to do so. Such pistol shall only be for the use of the purchaser [contact local authorities for additional requirements] * * *

18-6. **Selling pistols, etc., to minors under eighteen years of age.** No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Stanley

31. **Prohibiting sales to minors.** It shall be unlawful for any person to sell, barter, give or furnish, to any minor under eighteen years of age, any pistol * * * tear gas pen or gun, or any weapon of like kind having good cause to believe him or her under eighteen years of age.

Staunton

30-2. **Selling, etc., to minor under eighteen.** If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, he shall be guilty of a misdemeanor and be fined not less than twenty-five dollars nor more than one hundred dollars.

Strasburg

32-5. **Furnishing pistols, * * * to minors under eighteen years of age.** No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age. Any person violating the foregoing provisions of this section shall be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Suffolk

Section 1: Offense. No person shall sell, lease, rent, give, or otherwise furnish within the City of Suffolk any pistol, revolver, or similar type of handgun unless and until the person who is to acquire such shall present to the proposed seller, lessor or giver a permit issued by the Chief of Police of the City * * * authorizing the holder of such permit to acquire such weapon, * * *

Section 2: Persons to whom such permits shall not be issued. No permit required by Section 1 herein shall be issued to any person under the age of eighteen (18) years, to any convicted felon, to any person who at the time of application is charged with a crime involving violence, to any person acquitted of a felony on the basis of insanity, or to any patient of a mental institution, or to any person on furlough therefrom.

Virginia Beach

Chapter 38

* * * * *

Sec. 38-5. Permit prerequisite to purchase of certain weapons. No person shall sell, lease, rent, give or otherwise furnish to any person within the city any pistol, * * * or any weapon of like kind, unless a permit granted by the chief of police or such other officer of the police department as may be designated in writing by the chief thereof, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city. Each person filing for a permit shall pay to the city treasurer an application fee of three dollars.

Section 38-6 Possession and discharge of firearms, etc, by minors. It shall be unlawful for any person under the age of fifteen to have in his possession or use any firearm, shotgun, * * * provided, that such minor may possess and use the above mentioned weapons subject, however, to the provisions of Section 38-2 and only under the immediate supervision of an adult. * * *

Warrenton

Sec. 24-6. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor and fined not less than two dollars and fifty cents nor more than one hundred dollars.

Waverly

* * * no person shall be permitted to sell pistols or revolvers within the corporate limits of the Town of Waverly, Virginia, without registration of the sale thereof, together with the name of the seller, name and address of the purchaser, age of purchaser, date of sale, and serial number of the firearm; that the sale of firearms to any person under the age of eighteen years shall be prohibited.

Waynesboro

Sec. 16-14. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms * * *

Wise

Section 56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Woodstock

Sec. 28-6. Furnishing pistols, * * * to minors under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Wytheville

9-I. Furnishing certain weapons to certain minors. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age * * *.

Virgin Islands

V.I. Code

Title 23

Sec. 451. Definitions. As used in this chapter, unless the context clearly requires otherwise—

(a) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(b) "Commissioner" means the Commissioner of Public Safety of the Virgin Islands.

(c) "Department" means the Department of Public Safety of the Virgin Islands.

(d) "Firearm" means any device by whatever name known, capable of discharging ammunition by means of gas generated from an explosive composition, including any air, gas or spring gun or any "BB" pistols or "BB" guns that have been adapted or modified to discharge projectiles as a firearm.

(e) "Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder in any degree, voluntary manslaughter, rape, arson, mayhem, kidnapping, assault in the first degree, assault with or by means of a deadly or dangerous weapon, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

(f) "Dealer in firearms and/or ammunition" means any person engaged in the business of selling firearms and/or ammunition, for a profit or gain.

(g) "Gunsmith" means any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm on an individual order basis.

(h) "Machine gun" means any firearm which shoots automatically or semi-automatically more than 12 shots without reloading * * *.

Sec. 452. Applicability of chapter. No person shall have, possess, bear, transport or carry a firearm within the Virgin Islands, or engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, except in compliance with the provisions of this chapter.

Sec. 453. Persons who may lawfully carry firearms. (a) The following persons, in the discharge of their official duties, and in accordance with and subject to the conditions and restrictions imposed by the laws and regulations applicable to their conduct, may lawfully have, possess, bear, transport and carry firearms in the Virgin Islands:

(1) Members of the Armed Forces of the United States or of the organized reserves.

(2) Officers and employees of the United States duly authorized by Federal law to carry firearms.

(3) Persons employed in fulfilling defense contracts with the United States Government or agencies thereof where possession or use of firearms is necessary under the provisions of such contracts.

(4) Members of the police force of the Virgin Islands, marshals, or other duly authorized peace officers.

(5) Penitentiary and jail wardens and guards.

(b) The persons authorized by subsection (a) of this section lawfully to have, possess, bear, transport and carry firearms shall obtain such weapons and ammunition therefor only through the duly authorized officers or heads of their respective services or departments.

Sec. 454. Persons who may be licensed to carry firearms. A firearm may be lawfully had, possessed, borne, transported or carried in the Virgin Islands by the following persons, provided a license for such purpose has been issued by the Commissioner in accordance with the provisions of this chapter:

(1) An officer or employee of the Government of the Virgin Islands in cases where such license, in the judgment of the Commissioner, should be issued to such officer or employee by reason of the duties of his position;

(2) An agent, messenger or other employee of a common carrier, bank or business firm, whose duties require him to protect money, valuables or other property in the discharge of his duties; And provided, That the employer of such person shall have justified to the satisfaction of the Commissioner the need for the issuance of the license;

(3) A person having a bona fide residence or place of business within the Virgin Islands, who established to the satisfaction of the Commissioner that he has good reason to fear death or great injury to his person or property, or who establishes any other proper reason for carrying a firearm, and the circumstances of the case, established by affidavit of the applicant and of at least two credible persons, demonstrate the need for such license;

(4) A person licensed to and actively engaged in the business of manufacturing, repairing or dealing in firearms in the Virgin Islands, or the agents or representatives of any such person, having necessity to handle or use firearms in the usual or ordinary course of business;

(5) With respect to a rifle or a shotgun a person possessing a valid and current Virgin Islands hunting license.

Sec. 461. License to sell firearms and/or ammunition; gunsmiths; report of transactions; private transfer sales to minors or aliens. (a) No person may engage in the business of dealer in firearms and/or ammunition or as a gunsmith without holding a license therefor issued by the Commissioner of Finance upon favorable report of the Commissioner of Public Safety.

* * * * *

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished by a licensed dealer to a minor who displays a hunting or sporting license issued him in accordance with the laws of the Virgin Islands, and who further displays the written consent of his parent, guardian, or other responsible person acting in their absence and interest, in which such sale or delivery has been authorized.

Sec. 463. Qualifications of dealer or gunsmith. No license to engage in the business of gunsmith or of dealer in firearms and/or ammunition shall be issued to a person not over 21 years of age, and not a resident of the Virgin Islands and a citizen of the United States.

When the applicant is a corporation, it shall be organized under the laws of the Virgin Islands, and if a partnership, all partners shall be residents of the Virgin Islands and citizens of the United States.

Sec. 465. Conditions for dealers' operations * * * Any person, to whom a license has been issued under section 461 of this chapter may engage in the business of gunsmith or of dealer in firearms and/or ammunition under the following conditions.

* * * * *

(3) Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer or the latter clearly establishes his identity.

* * * * *

Sec. 466. Sales of weapons and ammunition without licenses prohibited; sales slips. No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser any other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the dealer's coupon, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the coupon has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a firearm license.

Sec. 467. Selling firearms without a license. Whoever, without being licensed in accordance with the provisions of this chapter, sells, has in his possession with the intent to sell, exposes for sale, or advertises for sale, any firearm or ammunition, or without being so licensed engages in the business of a gunsmith, shall be punished [as prescribed by law] * * *.

Sec. 476. Collections of antique firearms; certificates of uselessness. No provision hereof shall prevent that private collections of antique firearms, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections

of firearms kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Commissioner shall be necessary and he shall render such firearms useless, so that the same may not be used as such. The Commissioner shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any firearm not included in said certificate shall be subject to all the provisions hereof.

Washington

State Law

Wash. Rev. Code Ann.

Title 9

9.40.110 "Fire bombs"—Definitions. For the purposes of RCW 9.40.110 through 9.40.130, as now or hereafter amended, unless the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) "Incendiary device" means any material, substance, device, or combination thereof which is capable of supplying the initial ignition and/or fuel for a fire and is designed to be used as an instrument of wilful destruction. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be an incendiary device for purposes of this section.

9.40.120—Penalty. Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than twenty-five years.

9.40.130—Exceptions. RCW 9.40.120, as now or hereafter amended, shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firemen, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120, as now or hereafter amended, shall not prohibit the manufacture or disposal of an incendiary device for the parties or purposes described in this section.

Chapter 9.41—Firearms and Dangerous Weapons

9.41.010 Terms defined.

"Short firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

9.41.040. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

9.41.080. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

9.41.090. Sales regulated—Application to purchase—Grounds for denial. In addition to the other requirements of RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

9.41.093. Exemptions. The following shall be exempt from the provisions of section 9.41.090 RCW as now or hereinafter amended: sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended.

9.41.110. Dealer's licenses, by whom granted and conditions thereof—Wholesale sales excepted—Permits prohibited. The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. * * *.

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring

the dealer to secure an individual permit for each sale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.

9.41.140. Alteration of identifying marks—Exceptions. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

9.41.150. Exemptions. RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.41.170. Alien's license to carry firearms. It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of motor vehicles, and such license is not to be issued by the director of motor vehicles except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

9.41.190. Machine guns prohibited. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: Provided, however, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

9.41.200. Machine gun defined. For the purpose of RCW 9.41.190 through 9.41.220 a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

9.41.240. Use of firearms by minor. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Title 19

19.70.010. Out-of-state purchasing authorized. Residents of Washington may purchase rifles and shotguns in a state other than Washington: Provided, That such residents conform to the applicable provisions of the federal Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by the United States Secretary of the Treasury: And provided further, That such residents are eligible to purchase or possess such weapons in Washington and in the state in which such purchase is made.

Title 26

26.28.080. Certain acts prohibited * * * Every person who: * * *

(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;

Shall be guilty of a gross misdemeanor.

Aberdeen

4565-4. It shall be unlawful for any person within the City of Aberdeen to sell, give away, loan or cause to be sold, given or loaned, to any minor under the age of 18 years, any gun, revolver, pistol or the cartridges therefor.

4565-8. It shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time within the City of Aberdeen any shotgun, rifle or other firearms without first having obtained a license from the Director of Licenses * * *

Arlington

9.28.010 Definitions. (a) "Dangerous weapon" includes but is not limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar device, and includes compressed air rifles and pistols and slingshots.

(b) "Firearm" includes but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

9.28.020 Possession of arms. Every person who has been convicted in this state or elsewhere of a crime of violence, who owns a firearm or has one in his possession under his control, is guilty of a misdemeanor.

9.28.050 Forbidden deliveries. Every person who delivers a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind, is guilty of a misdemeanor.

9.28.060 Forbidden transfers. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another who is known, or with reasonable knowledge believed to have suicidal tendencies, or otherwise deliver a pistol contrary to the provisions of this title. Every person violating this section is guilty of a misdemeanor.

9.28.080 False information forbidden. Every person who, in purchasing or otherwise securing delivery of a pistol, gives false information or offers false evidence of his identity, is guilty of a misdemeanor.

9.28.090 Exceptions. The provisions of this chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.28.100 Machine guns and parts contraband. All machine guns, or parts thereof, illegally held or possessed are declared to be

contraband, and it shall be the duty of all peace officers, and/or any officer or member of the armed forces of the United States or the state of Washington, to seize said machine gun, or parts thereof, wherever and whenever found.

9.28.110 Dangerous weapons. Every person who * * * uses any contrivance or device for suppressing the noise of any firearm, is guilty of a misdemeanor.

* * * * *

9.28.140 Use of firearms by minor. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting or target practice or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, is guilty of a misdemeanor.

Auburn

7.04.360 Short firearm * * * defined. "Short firearm" as used in Sections 7.04.370 through 7.04.530 means any firearm with a barrel less than twelve inches in length. * * *.

7.04.371 Definitions. The following words and phrases shall have the following meanings:

(1) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and so held as collector's items.

(2) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(3) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(4) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

7.04.372 Pistol sale—Record sent to police chief. It is unlawful for any merchant, business, or secondhand dealer, or any clerk, agent, representative or employee of any such merchant, business or secondhand dealer, to sell, give away, or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record, in triplicate, of every pistol sold or disposed of. The written record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other [contact local authorities for required contents] * * * One copy of the record shall within six hours after the signing be sent by registered mail to the chief of police, or in the alternative, may be personally delivered to the office of the chief of police within such period of time, and the chief of police, shall, within seventy-two hours, exclusive of Sundays and legal holidays, investigate the information contained in the record, and shall notify the merchant within such time period if the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter.

7.04.373 Pistol sale—Waiting period required. It is unlawful for any merchant, business, or secondhand dealer, or any clerk, agent, representative or employee of any merchant, business or secondhand dealer, to deliver any pistol to any purchaser unless the merchant, business or secondhand dealer has mailed or personally delivered a copy of the record to the chief of police as required by Section 7.04.372 and the seventy-two hour waiting period after delivery of the notice as provided in Section 7.04.372 has expired without the receipt of a notice from the chief of police that the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter, provided that this section shall not apply to sales at wholesale, and further shall not apply to the sale of antique pistols exempt by the provisions of RCW 9.41.150, as amended, and provided further that when delivered said pistol shall be securely wrapped and shall be unloaded.

7.04.374 Pistol purchase forbidden to convicted persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol, in the city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

7.04.380 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

7.04.420 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

7.04.430 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

7.04.450 Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

7.04.490 Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession or under control, any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

7.04.500 Machine gun defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at the rate of five or more shots per second.

7.04.510 Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband and it shall be the duty of all police officers to seize said machine gun or parts thereof, wherever and whenever found.

Bellevue

Firearms and Weapons

10.20.010. Definitions. "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than 12 inches in length. "Crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary, and kidnaping.

* * * * *

10.20.030. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a

mental institution shall own a pistol or have one in his possession or under his control.

* * * * *

10.20.070. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

10.20.080. Pistol Sales Regulated A. No pistol shall be sold:

1. In violation of any provision of RCW 9.41.010 through 9.41.160; nor

2. Shall a pistol be sold under any circumstances unless the purchaser is personally known to the sellers or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application * * * and a statement * * * [contact local authorities for required contents]. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police * * *.

10.20.090. Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

* * * * *

10.20.120. False information in obtaining pistol. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

* * * * *

10.20.140. Machine guns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

10.20.150. Machine gun defined. For the purpose of this chapter a machine gun means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at a rate of five or more shots per second.

10.20.160. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

10.20.270 Application. It shall be unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other and shall contain * * * a statement signed by the purchaser [contact local authorities for required contents] * * *. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within, seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

10.20.280 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 10.20.270, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

10.28.290 Prohibited transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addtion or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any person to fail to disclose such information when applying for the purchase of a pistol.

Bellingham

17.32.040. Sale to minor prohibited. The sale, giving away or other disposition of any revolver or pistol or any ammunition for same to persons under the age of 18 years in the City of Bellingham, be, and hereby is, prohibited.

Blaine

6-2647: "Short Firearms"; "Crime of Violence" Defined: "Short Firearm" as used in this Chapter means any firearm with a barrel less than twelve inches (12'') in length.

"Crime of Violence" as used in this Chapter means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

6-2650: Certain persons forbidden to possess arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

6-2654: Delivery to minors and others forbidden: No person shall deliver a pistol to any person under the age of twenty one (21) or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard, or of unsound mind.

6-2655: Sales regulated: No seller shall deliver a pistol to the purchaser thereof until forty eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, birthplace, the date and hour of application, the calibre, make, model and manufacturer's number of the pistol to be purchased and statement that he has never been convicted in this State or elsewhere of a crime of violence. * * *

6-2656: Dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington, Section 9.41.110.

6-2657: Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan; shall keep such records and make such reports as are provided by law

for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Chapter.

6-2661: Machine guns; Prohibition: It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use; or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the Armed Forces of the United States or the State of Washington.

6-2662: Machine gun defined: For the purpose of this Chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five (5) or more shots per second.

Bonney Lake

5.07.010 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession under his control.

5.07.014 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

5.07.015 Sales regulated. No seller shall deliver a pistol to the purchaser thereof unless said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * *

5.07.016 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

5.07.017 Certain transfers forbidden. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another known, or with reasonable knowledge believed, to have suicidal tendencies or otherwise deliver a pistol contrary to the provisions of this Ordinance.

Bothell

10.1. Firearm defined. The word firearm shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or spring, or similar device.

10.2. Dangerous weapon defined. The word dangerous weapon shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar device, and shall include compressed air rifles and pistols and slingshots.

10.3. Pistol defined. The word pistol as used in this ordinance means any firearm with a barrel less than twelve (12) inches in length.

10.4. Certain persons forbidden to possess firearms. No person who has been convicted in this state of elsewhere of a crime of violence, shall own a firearm or have one in his possession or under his control.

10.7. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.9. Sale of cartridge, ammunition or gunpowder forbidden to certain minors. No person shall give, sell, or otherwise make available to any minor under the age of 16 years any cartridge or ammunition for firearms or the ingredients thereof: Provided that this section shall not apply to a parent or guardian who provides such minor with ammunition for a use which is lawful.

10.12. Sales regulated. No seller shall deliver a pistol to the purchaser thereof unless said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller, within 6 hours after such application is made, shall sign and attach his address and forward by registered mail or deliver by hand one copy of such statement to the Chief of Police; and the duplicate duly signed by the seller shall within 7 days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.13. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

10.14. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by mortgage, deposit, or pledge of a firearm for a loan. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another known, or with reasonable knowledge believed, to have suicidal tendencies, or otherwise deliver a pistol contrary to the provision of this ordinance.

* * * * *

10.16. False information forbidden. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity or address.

10.17. Exceptions. This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

10.18. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of a police officer to seize said machine gun, or parts thereof.

10.19 Dangerous Weapons. Every person * * * who shall possess or use any contrivance or device for supressing the noise of any firearm, shall be guilty of a misdemeanor. * * *

Bremerton

9.45.010 Record of Revolver Sales—Report. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose any revolver or pistol to any person at retail, without entering in a book to be kept for that purpose, in the English language, written in ink, at the time of such sale or disposition [the contents required by local authorities] * * * and requiring the person to whom such revolver or pistol is sold, given away or disposed of to sign his name, in ink, in such a book opposite the record of such transaction, or to fail, neglect or refuse to allow the chief of police, or any police officer to inspect said book at any reasonable time or to fail, neglect or refuse to send to the city clerk before the hour of nine

a.m. of any day, a complete transcript of the entries of said book for the previous day.

Brier

The city of Brier has adopted the language of the State firearms laws, including sections 9.40.110 through 9.41.240 shown at the beginning of the Washington State listing in this publication.

Buckley

10.40.040 Certain persons forbidden to possess arms: No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

10.40.080 Delivery restricted: No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.40.090 Selling. In addition to the other requirements or RCW sections 9.41.010 through 9.41.150, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof * * * and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

* * * * *

10.40.100 Pistol dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110 and 18 U.S.C. Sec. 923.

10.40.110 Dealer loans—transfer of pistols: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

10.40.140 Antique pistols excepted: This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

10.40.150 Machine guns prohibited: It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

10.40.160 Machine gun defined: For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, a submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

10.40.170 Machine guns or parts contraband: All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine guns, or parts thereof, whereever and whenever found.

Camas

6.12.010 Giving to minors under eighteen or intoxicated persons prohibited. It shall be unlawful for any person, persons, firm or corporation, to sell, barter, exchange, give or otherwise dispose of any firearm or dangerous explosive, to any minor under the age of eighteen (18) years, or to any person in an intoxicated condition within the city limits of the City of Camas, Washington.

Carnation

H. Delivery to Minors and Other Forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

I. Pistol Sales Regulated. No person shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * and statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller within six hours after such application shall sign and attach his address and forward by registered mail one copy of such statement to the Town Marshall or Chief of Police, * * *. This section shall not apply to sales at wholesale.

J. Dealers to be Licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in this possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

K. Certain Transfers of Pistols Forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock or pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

* * * * *

O. Machine Guns Prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

P. Machine Gun Defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Q. Machine Guns or Parts Contraband. All machine guns or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof wherever and whenever found.

R. Penalty for Dangerous Weapons. Every person * * * who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor.

Centralia

Ordinance 462

Dealer in deadly weapons or fire arms. Sec. 1. License. Any person engaging in the business of selling or offering to sell any pistol, revolver, derringer, * * * or other weapon of like character that can be concealed on the

person, shall first obtain a license as a dealer in deadly weapons or firearms, and it shall be unlawful for any person licensed, to sell or give away any such weapon without reporting said sale or gift in the manner elsewhere provided, and it shall be unlawful for any person licensed, to sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon as herein provided.

Sec. 2. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * which can be concealed on the person, without first securing from the Chief of Police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor [contact local authorities for required contents] * * *

* * * * *

Chelan

27. Minors, * * * selling * * * firearm to. Every person who: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.

Des Moines

9.24.010. "Short Firearm" and "Crime of Violence" Defined: "Short Firearm" or "Pistol" used in this Article means any firearm with a barrel less than twelve inches (12") in length. "Crime of Violence" as used in this Article means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

* * * * *

9.24.030. Certain Persons Forbidden to Possess Arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

* * * * *

9.24.080. Delivery to Minors and Others Forbidden: No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

9.24.090. Sales Regulated: No seller shall deliver a pistol to the purchaser thereof until 72 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped, and shall be unloaded. [At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing such information as the municipality may prescribe]. * * *

9.24.100. Dealers to be Licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington, Section 9.41.110.

9.24.110. Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this title.

9.24.120. Exceptions: This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

* * * * *

9.24.150. Machine Guns—Prohibition: That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

9.24.160. Machine Gun Defined: For the purpose of this title a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

East Wenatchee

8.04.113 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 years or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Edmonds

5.12.068 Certain persons forbidden to posses arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. * * *

No person shall deliver a pistol to any person under the age of twenty-one, or to anyone whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, habitual drunkard, or of unsound mind.

No person shall, in the purchasing or securing delivery of a pistol or in applying for a license to carry the same, give false information or other false evidence of his identity.

The provisions of this section shall not apply to any antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

5.12.076 Dangerous weapons. Any person who shall, * * * use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor.

Elma

9.98.070 Pistol—Delivery to certain persons prohibited. No person shall deliver a pistol to a person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

9.98.090 Pistol—Sales regulation procedure. No seller shall deliver a pistc! to the purchaser thereof until forty-eight hours have elapsed from the time of the application for the purchase thereof; * * *

9.98.100 Pistol—Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

9.98.110 Pistol—Certain transfers prohibited or restricted. No person, other than a duly licensed dealer under RCW 9.41.110, shall make any loan secured by a mortgage, deposit or pledge for a loan. * * * A duly licensed dealer may mortage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

9.98.140 Antique pistols excepted. This chapter does not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Enumclaw

Enumclaw	RCW
9.30.030 adopts	9.41.040
9.30.070 adopts	9.41.080

9.30.080 adopts 9.41.090
9.30.090 adopts 9.41.093
9.30.110 adopts 9.41.100
9.30.130 adopts 9.41.120

Everett

9.76.010 Sale of firearms to minor. It is unlawful for any person or persons to sell or offer for sale any revolver or pistol, within this city, to any person under the age of eighteen years, and every person who sells, gives, furnishes or causes to be furnished to any person under the age of eighteen years, any revolver or pistol or other pocket weapon in which explosives may be used, is guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred dollars or shall be imprisoned for six months or both such fine and imprisonment.

9.92.030 Prohibited purchasers. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or who has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Ferndale

521.09A.010 Definitions.

A. "Crime of violence," as used in this article, means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

B. "Short firearm" or "pistol," as used in this article, means any firearm with a barrel less than twelve inches in length.

521.09A.030 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

521.09A.070 Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

521.09A.080 Pistol sales regulated. A. No pistol shall be sold:

1. In violation of any provisions of RCW 9.41.160; nor

2. Shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] * * * and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addition or habitual drunkenness, and is not legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police. * * * This section shall not apply to sales at wholesale.

521.09A.090 Pistol dealers to be licensed. No retail dealer shall sell or otherewise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

521.09A.130 Exceptions of unusable pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

521.09A.140 Machine guns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession or under control any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States of the state.

521.09A.150 Machine gun defined. For the purpose of this article a "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun and or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at a rate of five or more shots per second.

521.09B Pistols

* * * * *

521.09B.010 Definitions. The following words and phrases used herein shall be construed as follows:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first-degree assault, robbery, burglary and kidnapping.

B. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

C. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

D. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1889 and held as collector's items.

521.09B.020 Application. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

521.09B.030 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police [see 521.09A.080(B), (C)] that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exlcusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police * * * then such merchant or secondhand dealer may deliver the pistol to

the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to person exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

521.09B.040 Prohibited transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Fircrest

Section VI. Firearms.

a. "Short firearm" and "crime of violence" defined. "Short Firearm" as used in this ordinance means any firearm with a barrel less than 12 inches in length.

"Crime of violence" as used in this ordinance means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

d. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

* * * * *

g. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or habitual drunkard or of unsound mind.

h. Dealer's licenses. Any person desiring to sell pistols within the Town of Fircrest shall obtain a license in the form prescribed by statute * * *.

* * * * *

3. No pistol shall be sold in violation of state law or this ordinance, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

* * * * *

5. This section shall not apply to sales at wholesale. * * *

* * * * *

i. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this ordinance, and the laws of the State of Washington.

* * * * *

l. Exceptions. This ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

m. Machine guns—Prohibition. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine guns, Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

n. Machine gun defined. For the purposes of this ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at a rate of five or more shots per second.

* * * * *

Grandview

I. Firearms and weapons

7.78.010 Definitions. A. "Crime of violence," as used in this article, means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary and kidnaping.

B. "Short firearm" or "pistol" as used in this article, means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less then twelve inches in length, but shall not include pistols or revolvers manufactured prior to 1898 and held as collector's items.

* * * * *

7.78.070 Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of eighteen or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of chronic alcoholism or has been confined to a mental institution.

7.78.080 Pistol sales regulated. A. No pistol shall be sold:

1. In violation of any provisions of RCW 9.41.010 through 9.41.160; nor

2. Under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing (the information and purchaser's statement required by 7.78.080(C); contact local authorities for requirements) * * *. The chief of police shall maintain a file containing the original of the application to purchase a pistol. This section shall not apply to sales at wholesale.

* * * * *

7.78.090 Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol, without being licensed as provided by law under the requirements of RCW 9.41.110.

* * * * *

7.78.110 Alteration of identifying marks on pistol prohibited. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

* * * * *

7.78.140 Machineguns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession or under control any machinegun or any part thereof capable of use or assembling or repairing any machinegun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state.

7.78.150 Machinegun defined. For the purpose of this article a "machinegun" means any firearm or weapon known as a machinegun, mechanical rifle, submachinegun and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mehanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at a rate of five or more shots per second.

* * * * *

II. Pistols

7.78.260 **Definitions.** The following words and phrases used herein shall be construed as follows:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first-degree assault, robbery, burglary and kidnaping.

B. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

C. "Law enforcement officer" means any person who, by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

D. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include pistols or revolvers manufactured prior to 1898 and held as collector's items.

7.78.270 **Application.** It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain (the information and purchaser's statement required by 7.78.270; contact local authorities for details) * * *. One copy shall within six hours be sent by registered mail to the chief of police of the cty who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

7.78.280 **Delivery.** It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until the merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or chronic alcoholism and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 7.78.270, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

7.78.290 **Prohibited transactions.** It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction, or of habitual drunkenness or chronic alcoholism or has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Kennewick

10.24.050. Sale to minors prohibited. It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

King County

12.48.010 Definitions. The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(c) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(d) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

12.48.020 Sale and registration. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of [contact local authorities for required contents] * * *

12.48.030 Delivery following sheriff's report. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until the merchant or secondhand dealer has received a report from the sheriff * * * provided that if such merchant or secondhand dealer does not receive such report from the sheriff within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the sheriff as required by Section 12.48.020, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

12.48.040 Purchase unlawful for certain persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Kirkland

11.28.030 Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

11.28.120 Pistol—Delivery to purchaser. In addition to the other requirements of Sections 11.28.110 through 11.28.180, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

11.28.130 Pistol—Purchasing—Information required—Procedure. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] * * *. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the city. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter, unless the seller is notified in writing by the chief of police of the city of denial. * * *

* * * * *

11.28.150 Pistol—Dealer—License required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or

otherwise transfer any pistol without being licensed as a dealer pursuant to RCW Chapter 9.41.

11.28.160 Sale of pistols—Conformance required. No pistol shall be sold in violation of any provisions of Sections 11.28.110 through 11.28.180, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. Sales by wholesalers to dealers and the sale of antique pistols as herein defined shall be exempt from the provisions of Sections 11.28.110 through 11.28.180.

11.28.170 Possession of firearms by prohibited persons unlawful. It is unlawful for any person prohibited from possessing a firearm (as therein defined) under Title VII of the "Omnibus Crime Control and Safe Streets Act of 1968" as amended by Title III of the "Gun Control Act of 1968" (Sections 1201 through 1203 inclusive) to possess such a firearm within the corporate limits of the city.

11.28.180 Noncitizens—License required. It is unlawful for any person subject to the licensing requirements of RCW 9.41.170 relating to noncitizens of the United States to carry or possess any shotgun, rifle or other firearm without first obtaining such license.

Kitsap County

Ordinance 25

1. No person who has been convicted in this State or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

3. No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a drunkard or of unsound mind.

4. No person other than a dealer duly licensed by the State of Washington shall make any loan secured by a mortgage, deposit or pledge of a pistol. * * *

7. This Ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

8. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as hereinafter provided.

9. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase therof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * *.

Lake Forest Park

Chapter 6. Firearms.

6.1. "Crime of Violence" Defined. "Crime of Violence" as used in this ordinance means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary, and kidnapping.

6.2 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession under his control.

* * * * *

6.6. Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller within six hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the Chief of Police; and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

6.7. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6.8. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of the Revised Code of Washington, Section 9.41.110.

6.9. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge for a loan. He shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this ordinance.

* * * * *

6.11. False information forbidden. Any person who shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity shall be guilty of a misdemeanor.

6.12. Exceptions. This ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

* * * * *

Langley

121-6: Every person who shall sell, give, furnish or cause to be furnished to any person under the age of sixteen (16) years, any revolver, pistol, toy pistol, or other pocket weapon in which explosives may be used, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Five Dollars ($5.00), or more than Twenty-five Dollars ($25.00).

Longview

15-4. Possession by convicted persons. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

15-7. Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

15-8. Sales by dealers. Sales by dealers shall be regulated as hereinafter provided: (a) The City Clerk of said city shall grant licenses in forms prescribed by the Washington State Director of Licenses * * * (3) No pistol shall be sold (a) in violation of any provisions of this Chapter, nor, (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

15-9. Dealer's license. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any short firearm without being licensed as provided by law.

15-13. Antiques; excepted. This Chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

15-15. Machine guns—Defined. A machine gun is herein defined as any firearm or weapon known as a machine gun, mechanical

rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

15-16. Same—Prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

Lynwood

10.04.360. Crime of violence defined. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

10.04.370. Firearm defined. The word "firearm" shall include but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

10.04.400. Persons convicted of crimes of violence not to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

10.04.450. Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

10.04.460. Use of firearms by minor. No minor under the age of sixteen years shall handle or have in his possession, or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind, for hunting or target practice, or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such party to violate the same, shall be guilty of a misdemeanor.

10.04.470. Regulating sales—Purchaser's statement. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller within six hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the chief of police; and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.04.480. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

10.04.490. Certain transfers of weapons prohibited. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan. He shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

* * * * *

10.04.510. Purchasing weapon by use of false information. Any person who shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity shall be guilty of a misdemeanor.

10.04.520. Antique pistols excepted. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Marysville

6.64.010. Definitions. Short firearm, pistol. The term "short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length. Crime of violence. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnaping.

6.64.040. Convicted persons. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

6.64.080. Prohibited pistol delivery. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6.64.090. Commercial sales of pistols—records. The chief of police shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue, permitting the licensee to sell pistols within this city * * *.

6.64.100. Pistol dealers—license required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

6.64.110. Prohibited transfer of pistols. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter. * * *

6.64.140. Unusable pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6.64.150. Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

6.64.160. Machine gun defined. For the purpose of this chapter a "machine gun" is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separate mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and

fired therefrom at a rate of five or more shots per second.

McCleary

Ordinance 70

Section I It shall be unlawful for any person under the age of sixteen years to have in his possession any fire arms * * * within the city limits of the Town of McCleary unless accompanied by and under the supervision of a parent or legal guardian.

* * * * *

Medical Lake

258. **Section 29. Minors * * * Selling * * * Firearms to:** Every person who— * * * * * 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.

* * * * *

Mercer Island

7.505.07. **Certain acts prohibited—belief minor in representative capacity, no defense—penalty,** Every person who: * * *: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years any revolver or pistol, shall be guilty of a misdemeanor.

Monroe City

* * * * *

9.18.030 Certain Persons Forbidden to Possess Arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

* * * * *

9.18.070 Delivery to Minors and Certain Others Forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

9.18.080 Pistol Sales Regulated. A. No pistol shall be sold:

1. In violation of any provisions of R.CW. 9.41.010 through 9.41.160; nor

2. Shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] * * *

9.18.090 Pistol Dealers to be Licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of R.C.W. 9.41.110.

9.18.100 Certain Transfer of Pistols Forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers as provided by R.C.W. Chapter 19.60. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

* * * * *

9.18.120 False Information in Obtaining Pistol. No person shall, in purchasing or otherwise delivery of a pistol or in applying for a license to carry the pistol, give false information or offer false evidence of his identity.

9.18.130 Exceptions for Unusable Pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

9.18.140 Machine Guns Prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession or under control any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state.

9.18.150 Machine Gun Defined. For the purpose of this article a "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at a rate of five or more shots per second.

* * * * *

9.18.170 Dangerous Weapons—Evidence. Every person who * * * uses any contrivance or device for suppressing the noise of any firearm, is guilty of a misdemeanor.

II. Pistols

9.18.260 Definitions. The following words and phrases used herein shall be construed as follows:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first-degree assault, robbery, burglary, and kidnaping.

B. "Fugitive from justice" mean a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

C. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

D. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

9.18.270 Application. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, * * * [contact local authorities for required contents] * * * and a statement [shall also be] signed by the purchaser that he not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

9.18.280 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand

dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined in a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police with seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 9.18.270, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to R.C.W. 9.41.070, or to sales to law enforcement officers.

9.18.290 Prohibited Transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state of elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Mountlake Terrace

5.07.010. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession under his control.

5.07.014. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

5.07.015. Sales regulated. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of [contact local authorities for required contents] * * * One copy shall within six hours be sent by registered mail to the chief of police of the City of Mountlake Terrace who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

5.07.0151. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, nor an offense involving narcotics nor of repeated drunkenness and has never been confined to a mental institution: provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

5.07.0152. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or an offense involving narcotics or of repeated drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

5.07.016. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

5.07.017. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge for a loan. * * * No person shall lend or give a firearm to another known, or with reasonable knowledge believed to have suicidal tendencies or otherwise deliver a pistol contrary to the provisions of this ordinance.

* * * * *

5.07.019. False information forbidden. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

5.07.020. Exceptions. This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

5.07.021. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

* * * * *

5.07.023. Definitions. The word firearm shall include but be not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

Normandy Park

7.24.030 Delivery restricted. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.24.080 Possession restrictions. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

7.24.110 Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan, shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this title.

7.24.140 Antique pistols exempted. This title shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

7.24.150 Machine guns. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

7.24.160 Machine gun defined. For the purpose of this title, "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, bolt, or other separable mechanical device for steering, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

North Bend

9.72.030: No person shall deliver a pistol to any person under the age of eighteen years

or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

* * * * *

9.72.040 Pistol—Purchase—False information. No person shall, if purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

* * * * *

9.72.070 Firearm—Possession by minor unlawful when. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes.

Ocean Shores

7.28.040. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

7.28.080. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.28.090. Pistol sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, * * *.

7.28.100. Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.28.110. Certain transfers of pistols forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

* * * * *

7.28.140. Exceptions for unusable pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

7.28.150. Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

7.28.160. Machine gun defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Olympia

Section 1. It shall be unlawful for any person, firm or corporation, to purchase any gun, pistol, firearm, or other deadly weapon, or any ammunition or explosive of any kind or character, without first obtaining a written permit therefor from the Chief of Police of the City of Olympia.

Section 2: The application for such permit shall be in writing and shall state the name of the person, firm or corporation, from whom such purchase is to be made, the kind of firearm, ammunition, or explosive desired, and the purpose for which it is to be used.

Section 3: The issuance of such permit shall be in the discretion of the Chief of Police. * * * no person, firm, or corporation, shall sell any gun, pistol, firearm, deadly weapon, ammunition, or explosive without first obtaining from the purchaser a permit so issued by the Chief of Police. * * *

Pasco

9.24.060 Selling revolvers and pistols to minors. It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Raymond

Ordinance No. 931

Section 1. It shall be unlawful for any person, firm, or corporation to sell any firearms * * * to minors.

* * * * *

Redmond

Redmond has adopted, by reference, Chapter 9.41 of the Washington Revised Code Annotated.

Renton

Firearms

6-137: "Short Firearm" and "Crime of Violence" Defined: "Short Firearm" as used in this Chapter means any firearm with a barrel less than twelve inches (12") in length.

6-140: Certain persons forbidden to possess arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

6-144: Delivery to minors and others forbidden: No person shall deliver a pistol to any person under the age of twenty one (21) years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

6-145: Sales regulated: No seller shall deliver a pistol to the purchaser thereof until forty eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller shall within six (6) hours after such application, sign and attach his address and forward by registered mail one (1) copy of such statement to the Chief of Police; the duplicate duly signed by the seller, shall within seven (7) days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six (6) years. This Section shall not apply to sales at wholesale.

6-146: Dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided by law.

6-147: Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the

first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Chapter.

6-148: False information forbidden: No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

* * * * *

6-150: Exceptions: This Chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6-151: Machine guns; prohibited: That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession or under control, any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

6-152: Machine gun defined: For the purpose of this Chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at the rate of five or more shots per second.

6-153: Machine guns or parts contraband: All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband and it shall be the duty of all police officers to seize said machine gun or parts thereof, wherever and whenever found.

Richland

9.04.280. Selling, etc., of revolvers and pistols to minors less than eighteen. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Seattle

Section 12A.17.010 Definitons. The following definitions apply in this chapter.

(1) "pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical, combustion, or otherwise and having a barrel less than twelve inches in length.

(2) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

* * * * *

(5) "gas pen," "gas pencil," "gas bomb" and "gas pistol" mean any pen, pencil, bomb, pistol or other device which is capable of containing and emitting tear gas or any noxious liquid, gas or substance.

Section 12A.17.080 Unlawful sale of pistol. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer, to knowingly sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record in triplicate of every pistol sold or disposed of. Such record, which shall be in the form of an application for purchase, shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other [contact local authorities for required contents] * * * One copy shall within six hours be sent by registered mail to the chief of police of the city of Seattle who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report in writing his findings to the merchant or secondhand dealer, and if the chief of police denies such application to purchase, he shall in such report so notify said merchant or secondhand dealer stating the grounds for such denial; provided, that such application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind; provided further, that this section and Section 12A.17.100 shall not apply to sales by wholesalers to dealers, or to the sale of antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

Section 12A.17.100 Unlawful delivery to purchaser. It is unlawful for any merchant or secondhand dealer or as any clerk, agent, or employee of any merchant or secondhand dealer to knowingly deliver any pistol to any purchaser until seventy-two hours, exclusive of Sundays and holidays, shall have elapsed from the time of application for the purchase thereof as provided in Section 2 hereof; and it is further unlawful for any merchant or secondhand dealer, or any such clerk, agent or employee to knowingly deliver any pistol to any purchaser whose application to purchase has been denied by the chief of police and the merchant or secondhand dealer so notified in writing as provided in Section 2 hereof within such seventy-two hour period. * * * Provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 12A.17.080, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070 or 12A.17.040 of this title or to sales to peace officers.

Section 12A.17.120 Unlawful purchases—False statements. It is unlawful for any person who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or who is legally judged to be of unsound mind to purchase a pistol in this city, and it is further unlawful for any person to knowingly make any false statement in his application to purchase a pistol.

Section 12A.24.040 Unlawful purchase, acquisition, possession or use of arms. A person is guilty of unlawful purchase, acquisition, possession or use of arms if he is under the age of eighteen (18) years and knowingly purchases, attempts to purchase, acquires, possesses or uses any firearm of any kind or any spring gun, air gun or slingshot, or any ammunition for any such firearm or gun, except while accompanied by or under the immediate charge of his parent or legal guardian or other adult approved for the purpose of this section by such parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class.

Section 12A.24.050 Unlawful aiding the purchase, acquisition, possession or use of arms. A person is guilty of unlawfully aiding the purchase, acquisition, possession or use of arms if he knowingly aids in a violation of or permits any person to violate the provisions of Section 12A.24.040.

Section 12A.24.060 Unlawful furnishing, purchase, acquisition, possession or use of pistol. Notwithstanding the provisions of 12A.24.040 and 12A.24.050 a person is guilty of unlawful furnishing, purchase, acquisition, possession or use of a pistol if he is under the age of eighteen (18) years and knowingly purchases, attempts to purchase, acquires, possesses or uses a pistol as defined by Section 12A.17.010(1), or if he is a person who knowingly sells, gives, furnishes or causes to be furnished or permits to be sold, given or furnished a pistol to any person under the age of eighteen (18) years, or if he is a person who knowingly permits a person under the age of eighteen (18) years to possess or use a pistol.

Sedro Woolley

9.76.010 Pistol defined. "Pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length.

9.76.020 Convicted persons owning pistol. No person who has been convicted in this state, or elsewhere, of a crime of violence shall own a pistol or have one in his possession or under his control.

9.76.080 Use by minors. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor as at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for any other purposes. Any person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Shelton City

9.04.270 Selling or giving revolvers or pistols to minors. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Snohomish

941-36 Selling, etc., of revolvers and pistols to minors. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Spokane

The city of Spokane has adopted the language of the State firearms laws including Sections 9.40.110 through 9.41.240 shown at the beginning of the Washington State listing in this publication.

Spokane County

6.05.050. Persons prohibited from owning or possessing pistol. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

6.05.060 Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

6.05.070. Giving of false information prohibited. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

* * * * *

6.05.090. Delivery to minors and others prohibited. No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

Sumas

8.44.040 Possession—Restrictions. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

8.44.080 Restrictions on delivery. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard, or of unsound mind.

8.44.090 Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, * * *.

8.44.100 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

8.44.150 Machine guns—Prohibition. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun, provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

8.44.160 Machine gun defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

Tacoma

8.66.030. Sale to minors under eighteen. No person shall, within the City of Tacoma, sell, give or loan, or cause to be sold, given or loaned, to any minor under the age of eighteen years, any gun, revolver, pistol, toy pistol, or the cartridges therefor, * * *

8.66.080. Definitions. The following words and phrases used in Sections 8.66.080 to 8.66.120, inclusive, shall be construed as follows:

1. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

2. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

3. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

4. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

8.66.090. Records required before sale. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain [such information as is required by the locality; Contact local authorities for required contents] * * *.One copy shall within six hours be sent by registered mail to the chief of police of the City of Tacoma who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

8.66.100. Delivery prohibited prior to receipt of records. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not

receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 8.66.090, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

8.66.110. Sales prohibited to certain persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Tukwila

8.12.010. Definitions. * * * (d) "Other dangerous weapon" means any instrument not elsewhere defined in this chapter which is capable of producing bodily harm and which is carried or possessed with intent to use the same unlawfully against another. * * * (f) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length. * * *

8.12.020. Unlawful use of weapons. (a) It is unlawful for anyone to: * * * (2) * * * sell or give away to any person under eighteen years of age any * * * other dangerous weapon, or for any such person to purchase or possess any such * * * other dangerous weapon; or * * * (5) Use any device or attachment of any kind designed, used or intended for use in silencing the noise of any firearm.

Tumwater

7.04.350 Crime of violence defined. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

7.04.360 Firearm defined. The word "firearm" shall include but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion or gunpowder or similar substance.

7.04.430 Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

7.04.450 Regulating sales—Purchaser's statement. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement * * * that he has never been convicted in this state or elsewhere of a crime of violence.

7.04.460 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.04.470 Certain transfers of weapons prohibited. No person other than a duly licensed dealer under RCW 9.41.110 shall make any loan secured by a mortgage, deposit or pledge for a loan.

* * * * *

7.04.500 Antique pistols excepted. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Section 10: Handguns and Minors Less than Eighteen: No person shall sell or give or permit to be sold or given to any person under the age of eighteen years any revolver or pistol.

Section II: Sale and Loaning of Firearms: No person shall sell, loan, or furnish any firearm or dangerous weapon to any person under the influence of alcohol or any narcotic or controlled substance, or to any person in a condition of agitation or excitability.

Winslow

Section 10: Handguns and Minors Less than Eighteen: No person shall sell or give or permit to be sold or given to any person under the age of eighteen years any revolver or pistol.

Section 11: Sale and Loaning of Firearms: No person shall sell, loan, or furnish any firearm or dangerous weapon to any person under the influence of alcohol or any narcotic or controlled substance, or to any person in a condition of agitation or excitability.

Woodland

9.80.010 Definitions. * * * "Crime of violence" as used in this title means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

* * * * *

9.80.040 Possession—Prohibited. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

9.80.050 Delivery to minors and addicts. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or habitual drunkard or of unsound mind.

9.80.060 Certain transfers prohibited. * * * No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this title, and the laws of the state.

* * * * *

9.80.080 Antique pistols. Chapters 9.80, 9.84 and 9.88 shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

* * * * *

Yakima

8.28.010. Use by minors. No person under the age of twenty-one years shall be issued a county license for the possession and use of a handgun or pistol. Persons twenty-one years of age or over may be issued licenses for handguns and pistols subject to RCW 9.41.070.

West Virginia

State Law

W. Va. Code

Sec. 27-12-3. Miscellaneous offenses. If any person shall * * * without the permission of the superintendent of any such [state] hospital, give or sell to any such patient, whether on the premises thereof or elsewhere, any firearms, * * * he shall be guilty of a misdemeanor, * * *.

Sec. 28-1-8. Offenses relating to youth facilities; penalties; escape; arrest and re-

turn. If any person shall * * * give or sell, or aid or abet any other person to give or sell, to any youth in the youth facility, whether on the premises of such institution or otherwise, any * * * firearms, * * * such person shall be guilty of a misdemeanor, * * * more than one hundred dollars, or to be confined not more than twelve months in the county jail, or, in the discretion of the court, both fined and imprisoned. * * *

Sec. 61-7-8. Possession of machine guns, high-powered rifles, or ammunition therefor; permits; unnaturalized persons may not possess firearms; exception. It shall be unlawful for any person to carry, transport, or have in his possession, any machine gun, submachine gun, or what is commonly known as a high-powered rifle, or any gun of similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this State, and approved by the governor, or until a license therefor shall have been obtained from the circuit court as in the case of revolvers and pistols, and all such licenses, together with the numbers identifying such firearms, shall be certified to the superintendent of the department of public safety: Provided, that nothing herein contained shall prevent the use of rifles by bona fide rifle club members who are freeholders or tenants for a fixed term in this State, at their usual or customary place of practice, and: Provided, however, that notwithstanding any other provision of this article or any other provision of this Code, any resident, nonresident and unnaturalized person may lawfully possess, transport, carry and use any firearm he is permitted to use for hunting under any valid license he has been issued by the department of natural resources and which he holds in his possession. At all times such person shall comply with all of the requirements of law set forth in this Code and the rules and regulations promulgated thereunder pertaining to possessing, transporting, carrying and using firearms for hunting.

No such permit shall be granted by the superintendent except in cases of riot, public danger and emergency until such applicant shall have filed his written application with the superintendent in accordance with the rules and regulations that may be from time to time prescribed by the department of public safety relative thereto, * * *.

No unnaturalized person may own, keep, possess, transport, carry or use any firearm of any kind or character, except for hunting as provided in sections three and eight [Secs. 61-7-3 and 61-7-8] of this article and article two [Sec. 20-2-1 et seq.], chapter twenty of this Code.

Sec. 61-7-9. Display of dangerous weapons for sale or hire; sale to unnaturalized person; penalties for violation of this section or Sec. 61-7-8. It shall be unlawful for any person, firm or corporation to place or keep on public display to passersby on the streets, roads or alleys, for rent or sale, any revolver, pistol, * * * or other dangerous weapons of like kind or character, or any machine gun, submachine gun or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. * * * It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to an unnaturalized person: Provided, that a person may lawfully sell, rent, give or lend any firearm which may lawfully be used for hunting to any unnaturalized person who has been issued and holds a valid permit in accordance with the provisions of section twenty-nine [Sec. 20-2-29], article two, chapter twenty of this Code and the unnaturalized person shows such permit to such person when the sale, rental, gift or loan is made.

Sec. 61-7-14. Purchase of firearms in contiguous state. Any resident of this State, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle, shotgun or any other legal firearm, or any part thereof, in this State, may purchase the same in a state contiguous to this State and transport or receive the same into this State provided the sale meets the lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer or private collector.

Beckley

25-3. Sale or rental of weapons to minors under eighteen. It shall be unlawful for any person to rent or sell any machine gun, high-powered rifle or any gun of similar kind or character, or revolver, pistol, * * * or other dangerous weapon of like kind or character, or any ammunition for any such weapon, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his parents, or one of them, or by the minor's legal guardian.

Benwood

210.02. Selling or giving to minors. No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol * * * or any other dangerous or deadly weapon of like kind or character.

210.06. Sale to person not holding permit. No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 210.05, to any person who is not the holder of a written permit, bearing the signature of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

210.07. Purchase without permit. No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 210.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

210.09 Issuance and Duration of Permits. It shall be the duty of the Chief of Police to issue to such applicant a written permit, on a standard form to be prescribed and provided by the Chief of Police, authorizing the applicant to purchase, receive or accept such pistol, revolver or other firearm of the kind described in Section 210.05, * * * provided, however, that a permit to purchase, receive or accept a pistol, revolver or other firearm of the kind described in Section 210.05 shall not be issued to minors, drug addicts, unnaturalized foreign-born persons, habitual drunkards, persons of unsound mind or to anyone who has been convicted of a felony under the laws of the United States, the State of West Virginia or any other state. Permits shall be valid for a period of ten days only.

210.10 Vendor to Demand Permit from Purchaser. At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 210.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

210.13. Exceptions. Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

Bluefield

13-215. Weapons. A license shall be required to sell or expose for sale pistols, revolvers, * * * or weapons of any kind, * * *.

Charleston

Sec. 18-70. Same—Possession by persons under age sixteen. No person under the age of sixteen years shall carry or have in his possession upon any street, park or other public space in the city any gun, pistol, rifle, * * * or other dangerous weapon of any character; provided, that nothing in this section shall be so construed as to prohibit members of duly authorized military, cadet corps or similar or-

ganizations from the proper use of their guns and other equipment as members of such organizations.

Chesapeake

Sec. 5. Sale or rental. It shall be unlawful for any person to rent or sell any revolver, pistol, * * * or other dangerous weapon of like kind or character, or any machine gun or high powered rifle, or any gun of similar kind or character, or any ammunition for the same, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his or her parents, or one of them, or by the minor's legal guardian.

Clarksburg

17-72. Same—Sale to person under sixteen years of age; sale of explosives to persons under sixteen prohibited. It shall be unlawful for any person to sell, offer or give to any child or children under the age of sixteen years, firearms, gunpowder, gun caps, * * * or other explosives of like kind and character in any quantity whatever.

Davis

No. 20. It shall be unlawful for any person to * * * furnish or sell any such weapon to any other person under the age of 21 years. * * *

Fairmont

Sec. 16-6. Dangerous or deadly weapons—Carrying; sale, etc., to minors. If any person shall carry about his person any revolver or other pistol, * * * or any other dangerous or deadly weapon of like kind or character, he shall be punished as provided * * *. If any person shall sell or furnish any such weapon as is hereinabove mentioned to a person whom he knows or has reason from his appearance or otherwise to believe to be under the age of twenty-one years he shall be punished * * *

Logan

15-4. Sale, etc., to minor under sixteen of firearms or explosives. It shall be unlawful for any person to sell or give to any minor under the age of sixteen years firearms or gunpowder or other explosives in any quantity.

Mannington

Chapter 22, Section 2m. No person without a city license therefore, shall sell pistols, revolvers, or weapons of like or kind.

Martinsburg

15-59. Display of dangerous weapons for sale or hire; sale to unnaturalized person. * * * It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in article 7, chapter 61, Michie's West Virginia Code, 1961, to an unnaturalized person.

Mason

Art. 3 Section 4. Dangerous Weapons: Sale of. No person shall sell or furnish any revolver or other pistol, * * * to a person whom he knows, or has reason, from his appearance, or otherwise, to believe to be under the age of 18 years.

Morgantown

31-8. License—Required. No person shall sell, offer for sale, display, rent or exchange any dangerous or deadly weapon, including, but not by way of limitation, any revolver, pistol, * * * or other weapons of like kind within the city without first obtaining a license to engage in any such business.

31-15. Sale, etc., to intoxicated persons, minors under eighteen, etc. It shall be unlawful for any person or dealer licensed under this article to sell, loan or furnish any of the dangerous or deadly weapons mentioned and described in this article to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years, or to an unnaturalized person.

Moundsville

Sec. 14-81. Weapons. The annual license fee to sell or offer for sale pistols, revolvers, * * * shall be ten dollars. No license shall be issued without the prior certification of the chief of police of the city.

Mullens

Sec. 20-50. No person shall carry about his person any revolver, pistol * * * No person shall sell or furnish any such weapon as is hereinbefore mentioned to a person whom he knows, or has reason from his appearance or otherwise to believe, to be under the age of twenty-one years. * * *

Rupert

7-304 Dangerous Weapons: Sale of. No person shall sell or furnish any of the dangerous weapons referred in Section 3 (revolver or other pistol) of this article to a person when he knows, or has reason from his appearance or otherwise, to believe, to be under the age of twenty-one years.

Summersville

* * * it shall be unlawful for any person, firm, or corporation to place or keep on public display to passers-by on the streets, roads, or alleys of said Town, for rent or sale, any revolver, pistol * * * or other dangerous weapon of like kind or character or any machine gun, sub-machine gun, or high powered rifle, or any gun of similar kind or character, or any ammunition for the same. * * * It shall be unlawful for any person to sell, rent, give, or lend any of the arms mentioned in this article to an unnaturalized person.

Thomas

Section 26. It shall be unlawful for any person to carry about his person any revolver or other pistol, * * * nor shall any person sell or furnish any such weapon as is hereinbefore mentioned, to a person whom he knows, or has reason to believe, from his appearance or otherwise, to be under the age of twenty-one years; * * *.

Weirton

553.07 Display of Dangerous Weapons; Reporting Purchases. No person shall place or keep on public display for rent or sale to passers-by on the street, roads or alleys, any revolver, pistol, * * * any machine gun, submachine gun or high-powered rifle, any gun of similar kind or character or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall

take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber and report the same at once in writing to the Police Chief.

553.08 Sale of arms to unnaturalized person or minor. No person shall sell, rent, give or lend any of the arms mentioned in this article to any unnaturalized person and no person shall sell any of the arms mentioned in this article to any minor under the age of sixteen years.

Wheeling

537.02 Selling or giving to minors. No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol * * * or any other dangerous or deadly weapon of like kind or character.

537.05 Sale, transfer of concealed weapons. No person shall sell, lend, give away, exchange or transfer, or purchase, receive or accept, any pistol, revolver or firearms of any kind whatsoever which is capable of being concealed on the person, except as authorized and provided by this article.

537.06 Sale to person not holding permit. No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 537.05, to any person who is not the holder of a written permit, bearing the signature of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

537.07 Purchase without permit. No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 537.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

537.10 Vendor to demand permit from purchaser. At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 537.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

537.13 Exceptions. Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

Wisconsin

State Law

Wisc. Stat. Ann.

164.01 Definitions. (1) "Machine gun" applies to and includes a weapon of any description by whatever name known from which more than two shots or bullets may be discharged by a single function of the firing device.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

164.03 Possession for aggressive purpose. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than 10 years.

164.04 Possession when presumed for aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found: or

(2) When in the possession of, or used by, an unnaturalized foreign-born person, or a person, who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possession: or

(3) When the machine gun is of the kind described in section 164.08 and has not been registered as in said section required: or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been used or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

164.06 Exceptions. Nothing contained in this chapter shall prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

164.07 Manufacturer to register machine guns. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not less than one hundred dollars or more than five hundred dollars.

164.08 Owner to register machine gun. Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered by the owner in the office of the secretary of state on May 15, 1933 and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the secretary of state, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any guns, as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

* * * * *

164.20 Machine guns and other weapons; use in certain cases; penalty. (1) No person shall sell, possess, use or transport any machine gun or other full automatic firearm, nor shall any person sell, possess, use, or transport any bomb, hand grenade, projectile, shell or other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

(2) Any person violating any of the provisions of this section shall be punished by imprisonment in the state prison for a term of

not less than one year nor more than three years.

(3) The provisions of this section shall not apply to the sale, possession, use or transportation of any such weapons or containers to or by any national guardsman in line of duty, any civil enforcement officer of the state or of any city or county, or any person duly authorized by the chief of police of any city or the sheriff of any county to sell, possess, use or transport such weapons or containers; nor shall the restriction on transportation apply to common carriers.

175.30 Purchase of firearms in contiguous states permitted. It is lawful for a resident of this state or a corporation or other business entity maintaining a place of business in this state to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state if the transfer complies with federal law and the laws of both states.

175.35 Waiting period for purchase of handguns. (1) In this section, "handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

(2) (a) No firearms dealer licensed by the U.S. department of the treasury may transfer possession of any handgun to any person for 48 hours following purchase of such handgun.

(b) This section shall not apply to the transfer of any handgun classed as an antique by regulations of the treasury department or to transfers between licensed firearms dealers or between wholesalers and dealers.

* * * * *

939.22 Words and phrases defined. In the criminal code, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

* * * * *

(10) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

* * * * *

941.22 Possession of pistol by minor. (1) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor may be fined not more than $500 or imprisoned not more than one year in county jail or both.

* * * * *

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long.

943.06 Molotov cocktails. (1) As used in this section, "fire bomb" means a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.

(2) Whoever possesses, manufactures, sells, offers for sale, gives or transfers a fire bomb may be fined not more than $500 or imprisoned not more than 6 months or both.

(3) This section shall not prohibit the authorized use or possession of any such device by a member of the armed forces or by firemen or law enforcement officers.

Appleton

8.01 Offenses endangering public safety. ***** **(4) Sale of dangerous weapons to minors prohibited.** No person shall buy for, sell or give away to any minor any dangerous weapon *** without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following instruments: *** pistol, revolver, *** any weapon in which loaded or blank cartridges are used. ***

Beloit

15.01 Offenses against state laws subject to forfeiture. (Am. #1304) The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the municipality, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture. ***** 943.06 Molotov Cocktails. *****

15.07 Firearms and Weapons, use of. ***** **(3) Sale of firearms and weapons to minors forbidden.** No person shall sell any firearm, *** or loan such items to any minor within the City.

Big Bend

Chapter XI

11.01. Dangerous and Concealed Weapons. (1) Definitions. A. Dangerous Weapon. The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: *** pistol, revolver ***.

(3) License for Sale of Weapons. A. No person shall engage in the business of buying or selling, or shall sell or give away to any person, or buy or receive of any person, within the Village, any weapon listed or defined as dangerous except rifles or shotguns used for hunting purposes, *** (or) weapons used solely for target practice purposes, *** without securing a license to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon. ***

(4) Selling weapons to Minors Prohibited. No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, ***.

* * * * *

(6) Permit Required for Purchase of Dangerous Weapons. No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, *** (or) weapon used solely for target practice purposes ***. Before any such permit is granted an application in writing shall be made therefor *** (contact local authorities for required contents).

Cudahy

Section 15.02(2)(b) It shall be unlawful for any person under the age of eighteen (18) to purchase any *** revolver or pistol upon which any loaded or blank cartridges are used. Every person who deals in dangerous weapons or guns shall keep a record of sales of such dangerous weapons or guns, [contact local authorities for required contents] *** No sale shall be made to persons having been convicted of a felony.

Glendale

24.20. Making, possession, transfer or use of fire bombs and other similar devices. (a) No person shall make, carry, possess, sell, give, transfer to another or use any type of fire or explosive creating device which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

Hales Corners

14.01 Dangerous and Concealed Weapons. (1) Definitions. (a) Dangerous Weapon.

The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver, * * * any weapon upon which loaded or blank cartridges are used, * * *.

(b) **Concealed Weapon.** The term "concealed weapon" shall include any dangerous weapon which is hidden from ordinary observation. Absolute invisibility is not necessary to constitute a weapon as being concealed. Any weapon which is carried within a case is not to be construed as a concealed weapon if the case is plainly visible.

* * * * *

(3) **License for Sale of Weapons.** (a) No person shall engage in the business of buying or selling, or shall sell or give away to any person, or buy or receive of any person, within the Village, any weapon listed or defined as dangerous, except rifles or shotguns used for hunting purposes, * * * without securing a license to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon * * *.

(4) **Selling Weapons to Minors Prohibited.** No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, * * *.

(6) **Permit Required for Purchase of Dangerous Weapons.** No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, * * *. Before any such permit is granted, an application in writing shall be made therefor [contact local authorities for required contents]. * * *

Kenosha

11.02-R. Possession or use of fire bombs and other similar devices. (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

11.06. Dangerous weapons. B. "Sale Forbidden". No person shall sell, loan or give away any gun, pistol, revolver or other dangerous or deadly weapon to any minor or intoxicated person.

Ladysmith

11.02 Concealed Weapons * * * (2) * * * no person shall intentionally sell, loan or give a pistol to any minor. * * *

Madison

25.01 Sale of Firearms.

(1) Definitions: For the purpose of this section:

Firearm. The term "firearm" means a shotgun or a rifle or any weapon made from a rifle or shotgun (modification or otherwise) or any other weapon, including a pistol or revolver, from which a shot is discharged by an explosive or propellant, but not including a stud gun when used for its intended purpose.

Handgun. The term "handgun" means any weapon designed or redesigned, made or remade, and intended to be fired while held in one hand, having a barrel of less than ten (10) inches in length, designed or redesigned, made or remade, to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore, including weapons commonly referred to as pistols or revolvers, but not including a stud gun.

Rifle. The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire only a single projectile through a rifle bore for each single pull of the trigger.

Shotgun. The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

* * * * *

(2) It shall be unlawful for any person, firm, association or corporation to sell, give away, trade or transfer a firearm to any other person, firm, association or corporation in the City of Madison unless within twenty-four (24) hours, excluding those hours falling on any Saturday, Sunday or holiday, after the transfer of possession of said firearm, such person, firm, association or corporation shall report such transfer to the Chief of Police, or his designee, giving a complete description of the firearm so sold [contact local authorities for required contents] * * *.

* * * * *

(4) * * * no person shall intentionally sell, loan or give a pistol or revolver to any person under eighteen (18) years of age. * * *.

(5) * * * no person under the age of eighteen (18) years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm * * * or ammunition therefor to any person under the age of eighteen (18) years. This subsection shall not apply to anyone under eighteen (18) years of age who is armed with a firearm under the supervision of an adult when such firearm is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm to a person under eighteen (18) years of age for use only in target practice or any hunting under his direct supervision.

(6) Notwithstanding any other provision of this section to the contrary, this section shall not apply to any person, firm, association or corporation acting under the control and at the direction of the state of Wisconsin or the United States Government.

* * * * *

(10) Sale of Handguns and Handgun Ammunition Unlawful.

(a) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any handgun to any other person, firm, association, or corporation within the corporate boundaries of the City of Madison.

(b) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any ammunition made exclusively for use in any handgun to any other person, firm, association, or corporation within the corporate boundaries within the City of Madison.

(c) The United States Government, the State of Wisconsin and its municipal subdivisions, the State Crime Laboratory, the University of Wisconsin, the Historical Society of the State of Wisconsin, their employees and peace officers thereof, shall be exempt from the provisions of this subsection with respect to handguns or ammunition made exclusively for use in any handgun which is owned, possessed, sold, given away, traded or transferred by them in the ordinary course of their official business.

(d) Persons manufacturing or selling ammunition made exclusively for use in handguns shall be exempt from the provisions of this subsection with respect to ammunition made exclusively for use in handguns which are owned, possessed, sold, given away, traded or transferred by them to any organization or person described in Subdivision (c) above.

25.04 Fireworks Regulated. (1) It is unlawful for any person to sell, expose or offer for sale, * * * blank cartridges, toy pistols or cannons, toy canes or cannons in which explosives are used, * * * within the City of Madison, except as hereinafter provided.

* * * * *

(3) Nothing herein contained shall prohibit the use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sports events * * *.

* * * * *

Menomonee Falls

10.01 Offenses Endangering Public Safety. (l) * * * * * (i) **Sale to Minors.** No person shall sell or give away any firearm, rifle, shotgun, * * * or ammunition therefor, to any person under the age of 18 years.

(j) **Possession by Minor.** No person under the age of 18 years shall go armed with a firearm of any type, * * * nor have in his possession any ammunition therefor.* * * * *.

Middleton

16.01-(b) Possession of Ammunition and sale to minors. No minor person under the age of 18 years shall have in his possession any ammunition for any firearm, rifle, * * *. No person shall intentionally sell or give away any firearm, rifle, * * * or ammunition therefor, to any person under the age of 18 years.

Milwaukee

* * * * *

Section 105-34. Carrying Dangerous or Concealed Weapons.

(2) **Definitions.** The term "concealed weapon" shall mean and include any dangerous weapon which is hidden from ordinary observation. Absolute invisibility is not necessary to constitute a weapon as being concealed. Any weapon which is carried within a case is not to be construed as a concealed weapon if the case is plainly visible.

The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver * * * any weapon upon which loaded or blank cartridges are used. * * * Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

* * * * *

105-43. Sale of Dangerous Weapons.

(1) **License Required.** It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 105-34, except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes, * * * without securing a license so to do as provided in Section 105-43(1) and (3) and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon in the manner provided in subsection (5). It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further interest in the commonly accepted fields of sport.

(2) **Unlawful to Sell Weapons to Minors.** It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18, any weapon listed or defined as dangerous in Section 105-34; or to any person under the age of 21 in the case of handguns, * * *

(5) **Permit Required to Purchase.** (a) From Chief of Police.

It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in Section 105-34, except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes * * *.

(b) **Permit to be Filed.** * * * No such permit shall be granted to persons having been convicted of crime or to minors under the age of 18. Said permit or permits shall be delivered to the person, firm or corporation or agent thereof from whom such instrument or weapon is purchased and shall be preserved by said person, firm or corporation, or agent thereof, and the same shall be filed by him or them in the office of the city clerk of the city of Milwaukee within three months from the date of the issuance of the same.

105-43.2. Waiting Period Required for Purchase of Handguns. No person, firm, or corporation who is licensed to deal in the sale of weapons, pursuant to the requirements of Section 105-43, shall transfer possession of any handgun to any person for 48 hours following the application for purchase of such handgun.

Monticello

19.01(2) Definition. The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: pistol, revolver, * * * any weapon upon which loaded or blank cartridges are used. Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

(3) **Sale of dangerous weapons.** It shall be unlawful for any person, firm, or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the Village of Monticello any weapon listed or defined as dangerous in Section 19.01(1), except rifles or shotguns used for hunting purposes, weapons used solely for target practice purposes, without securing a license to do so as provided in Section 19.01(2) and (5) and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village of Monticello who has not secured a permit from the chief of police to purchase such weapon in the manner provided in subsection (5). It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further the interest in the commonly accepted fields of sport.

(4) **Unlawful to sell weapons to minors.** It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18, any weapon listed or defined as dangerous in subsection (2); or to any person under the age of 21 in the case of handguns.

(5) **Permit required to purchase.** (a) From Chief of Police. It shall be unlawful for any person to purchase or obtain by gift or any other method, scheme or device by which possession is obtained, without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in subsection (2), except rifles or shotguns used for hunting purposes and weapons used solely for target practice purposes.

Oshkosh

18-24. Furnishing firearms to minors prohibited. No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm within the city.

Port Washington

9.11. Sale of weapons. (1) License required. No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any * * * revolver, pistol, * * * or other instrument or weapon which uses loaded or blank cartridges, except rifles and shotguns used for hunting purposes, without securing a license so to do as herein provided, and no person having such license shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police * * *.

(5). **Permit to purchase.** No person shall purchase or possess any of the weapons or articles enumerated in subsection (1) until he has obtained a permit for such purpose from the Chief of Police.

Racine

25.06. Dangerous or concealed weapons. (2) The term "dangerous weapon" means any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, * * *. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

* * * * *

(5) No person shall engage in the business of buying or selling, or sell or give away to any minor under the age of 18, any dangerous weapon, * * *

25.41 Possession or use of fire bombs and other similar devices. (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

(3) The provisions of paragraphs 1 and 2 of this Section shall not apply to any device used in any training program authorized by the Chief of the Racine Fire Department or the Chief of the Racine Police Department, nor to any person engaged in such an authorized training program while so engaged.

Reedsville

7.01 * * * * * (c) Sale to Minors. No person shall sell, loan or give any pistol to any person under eighteen (18) years of age.

River Falls

Ordinance 22.01

Section 1. Sales Prohibited. No person shall buy for, sell or give away to any minor, any dangerous weapon, without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following instruments: pistol, revolver, * * * and any weapon in which loaded or blank cartridges are used.

Shorewood

Section 13-601 Definition. The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used * * *

Section 13-603 Permit Required for Purchase of Dangerous Weapons. A. It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the Chief of Police a permit so to do, any weapons listed or defined as dangerous in Section 13-601 except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes,

* * * * *

Section 13-604 License for Sale of Weapons. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the Village, any weapon listed or defined as dangerous in Section 13-601, except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes, * * * and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner provided in Section 13-603.

Section 13-605 Unlawful to Sell to Minors. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor, any weapon listed or defined as dangerous in Section 13-601 * * *

Section 13-609 Possession of Pistol by Minor. A. It shall be unlawful for a minor to be armed with a pistol or for any person to intentionally sell, loan or give a pistol to a minor.

* * * * *

D. In this section, "pistol" means any firearm having a barrel less than 12 inches long.

Section 13-610 Use of Fire Bombs Prohibited. No person shall make, carry, possess, sell, give or use any type of "molotov cocktail," which is defined to mean a flammable liquid filled bottle or container with a fuse, wick or any other type of ignition or detonating device, flammable liquid fire bomb, or any other device or missile which can be ignited and cause ignition of any premises or material, or which can cause damage by explosion.

Section 13-612 Fireworks Prohibited. A. No person, firm, partnership, or corporation shall sell, offer for sale, expose for sale, or possess or use or explode any blank cartridges, toy pistols or cannons, toy canes or toy cannons in which explosives are used * * *

B. Nothing herein contained shall prohibit * * * the use or sale of blank cartridges for theatrical purposes, or for signal purposes in athletic contests, sport events or by railroads for signal purposes, or for the use by militia, police, or military organizations.

Stevens Point

24.13 Firearms to minors. * * * any person who intentionally sells, loans, or gives a gun or other type of firearm * * * or ammunition for same, to a minor may suffer a forfeiture of not more than $200 and in lieu of such payment assessed, imprisonment for not more than sixty (60) days in the county jail.

Superior

Sec. 23-49. Furnishing firearms to minors. No person shall sell, give away or furnish to any person under twenty-one (21) years of age any revolver, pistol, shotgun, rifle or other firearm, intended for and capable of shooting powder, balls or cartridges, without the consent in person or writing, of the parent or guardian of the minor.

Twin Lakes Village

9.88.020 Sale or giving weapons prohibited. No person shall sell, loan or give away any gun, pistol, revolver or other deadly or dangerous weapon to any minor or intoxicated person.

Waunakee

11.03 Firearms It shall be unlawful for any dealer or other person to sell, loan, or give any pistol or revolver to any minor.

* * * * *

Wauwatosa

6.84.010 Definitions. In this chapter, unless the context otherwise requires:

1. "Dangerous gun" means any revolver, pistol, * * * rifle, shotgun, or any instrument or weapon in which loaded or blank cartridges or shells are used.

* * * * *

3. "Person" means any person, firm or corporation.

6.84.020 Sale or giving away—License required—Exceptions. A. No person shall engage in the business of selling or giving away any dangerous * * * gun without obtaining a license * * *, and no person having such license shall sell or give away any such dangerous * * * gun who has not secured a permit from the chief of police to obtain such dangerous * * * gun * * *.

B. This provision does not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods item defined as any of those items that further interest in the commonly accepted fields of sport * * *.

6.84.040 * * * Handguns of any caliber shall not be sold to persons convicted of a felony or to minors.

6.84.050 Purchase—Permit required—Exception. No person shall purchase any dangerous * * * gun without securing a permit therefor from the chief of police. * * * This section shall not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods items defined as any of those items that further interest in the commonly accepted fields of sport * * * except as to persons convicted of crime or to minors.

West Milwaukee

Ordinance 422

3.15 Firearms.

* * * * *

(2) Sale and Display Regulated. No person, firm, or corporation shall engage in the business of selling, sell or give away any * * * revolvers, pistols, rifles, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives, or other projectiles are intended to be used, or display or exhibit for sale any such weapon, cartridges, shells, gas, explosives or projectiles, except in accordance with a seller's permit or dealer's license issued pursuant to subsection (3), and such sale or gift shall be made only to a person not otherwise prohibited from purchasing or using such items by the provisions of subsection (4).

(3) Dealers' Licenses. Dealers' licenses shall be issuedby the Chief of Police * * *.

(4) Purchase of. No person shall purchase or receive anyof the weapons or items mentioned in subsection (2) if said person:

a. Is under eighteen years of age.

b. Is under indictment in any court for a crime punishable by imprisonment for a term exceeding one year.

c. Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

d. Is a fugitive from justice.

e. Is an unlawful user of, or addicted to, marihuana or a depressant, stimulant, or narcotic drug.

f. Is under the influence of a drug or is intoxicated.

g. Has ever been adjudged mentally defective or has ever been committed to a mental institution.

h. Has been discharged from the Armed Forces under dishonorable conditions.

i. Is an alien illegally in the United States.

j. Is a person who, having been a citizen of the United States, has renounced his citizenship.

White Fish Bay

15.12. Weapon dealers (1) Sale and display prohibited. No person shall engage in the business of selling, sell or give away any * * * revolvers, pistols, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives or other projectiles are intended to be used, * * * except in accordance with a dealer's license issued pursuant to subsection (2) and shall make such sale or gift only to a person holding a buyer's license issued and in effect pursuant to subsection (3).

(2) Dealers' licenses. Dealers' licenses shall be issued by the Chief of Police and shall expire automatically on May 1 following the date thereof, and shall be issued upon the filing of a written application in form approved by said Chief of Police * * *.

(3) Buyers' Licenses. Buyers' licenses shall be issued by the Chief of Police upon an application in writing [contact local authorities for required contents] * * *

(4) Purchase of. No person shall purchase or receive any of the weapons mentioned in subsection (1) without first securing a license so to do as provided in subsection (3).

(5) Rifles and shot guns for hunting purposes excepted. The provisions of subsections (1) to (4), both inclusive, shall not apply to rifles or shot guns under twenty (20) inches length of barrel and ammunition for same, commonly and lawfully used for hunting purposes in this state.

Whitewater

15.03(a) No person, firm, partnership, association, or corporation shall display for sale, offer for sale, or sell any loaded pistol, gun, shot gun, * * * or other firearms within the City Limits of the City of Whitewater.* * *

Wisconsin Dells

18.01(1)(b) Sale of Certain Weapons. No person shall sell any firearm * * * to any minor in the City of Wisconsin Dells * * *.

Wyoming

State Law

Wyo. Stat.

Sec. 6-241. Possession of weapons by aliens. Every person, not being a citizen of the United States, who shall own, possess, wear or carry any * * * pistol, shot gun, rifle, or other fire arm, * * * or any other dangerous or deadly weapon, shall upon conviction thereof, be adjudged guilty of a misdemeanor, * * *

Sec. 6-244. * * * (Dealer's and pawnbroker's firearms register) To be signed by purchasers. Every person who purchases any firearm from any retailer, pawn broker or dealer, shall sign his name or make his mark properly witnessed, if he cannot write, on said firearm register, at the time of the delivery to him of any firearm so purchased.

Sec. 6-246.1. Rifles and shotguns—Defined. Rifle—a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Shotgun—a weapon designed and redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

Sec. 6-246.3. Same—Resident may purchase or receive delivery; restrictions and requirements. It is hereby declared by the State of Wyoming that it is lawful for a resident of the State of Wyoming, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to the State of Wyoming, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(b) The purchaser and the licensee must have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) of the Federal Gun Control Act of 1968 [18 U.S.C. Sec. 922(c)], applicable to interstate transactions other than at the licensee's business premises.

Afton

6-302. Sales to intoxicated persons. No person in the town of Afton shall purchase from or sell, loan or furnish any weapon in which explosive substance can be used, to any person under the influence of alcohol or any narcotic drugs, stimulant or depressant, or to any person in a condition of agitation or excitability.

6-303. Sales to minors. No person in the town of Afton shall purchase from or sell, or loan, or furnish any weapon in which an explosive substance can be used, to any person under the age of 14 years.

Cheyenne

30-51. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer: Any person engaged in the business of selling firearms at wholesale or retail or of accepting pledges of pistols as security for loans.

Firearm: Any weapon which is designed to expel a projectile by the action of expanding gases.

30-52. Exceptions. This article shall not apply to duly appointed officers of the city, county or state or of the United States in the lawful discharge of their duties as such officers, nor to transactions in which delivery is made of a pistol by mail or other common carrier to a destination not within the city.

30-56. Possession of firearms—Criminals, drug addicts, etc. No person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia or who is a fugitive from justice or is of unsound mind or is a drug addict or an habitual drunkard or is a member of a subversive organization shall possess a firearm within the city.

Arrests, without a warrant, and searches and seizures pursuant thereto, may be made for violations of this section by police officers, as in the case of a felony, upon probable cause that the person arrested is carrying a pistol in violation of this section at the time of arrest.

30-57. Same—Minors. No person under the age of eighteen (18) years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the state militia, ROTC, or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

30-58. Sale, possession, etc., of firearms without manufacturer's identification mark prohibited. No person shall receive, possess, sell, lease or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

30-65. License—Required. No person shall sell any firearm at wholesale or retail or shall lease, pledge or accept any firearm as security for a loan without obtaining a license therefor.

30-69. Pistols—Sale and delivery. When any sale of a pistol, the overall length of which is less than six (6) inches, is made under this article, forty-eight (48) hours must elapse between the time of the sale and the time of delivery to the purchaser. All pistols shall be securely wrapped and unloaded when delivered to the purchaser.

30-71. Sales, etc., to criminals, dope addicts, etc. No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or is a fugitive from justice or is of unsound mind or is intoxicated or is a drug addict or an habitual drunkard or is a member of a subversive organization.

30-72. Sales, etc., to minors. No dealer shall sell, lease, lend or otherwise transfer a firearm to any minor except as provided in section 30-57.

Cody

34-4. Furnishing deadly weapons * * * to minors. It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, * * * or any other deadly weapon of any kind, which can be worn or concealed upon the person.

It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

Guernsey

69-9-503 Firearms * * * Any person who shall, within the Town of Guernsey, sell * * * any cannon, gun, fowling piece, pistol, revolver, rifle or firearms of any description, without permission from the Council, or written permission of the Mayor, * * * shall be guilty of a misdemeanor * * *.

Mountain View

Sec. 14-4. Furnishing deadly weapons and certain cartridges to minors. It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, * * * or any other deadly weapon of any kind, which can be worn or concealed upon the person.

It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

Pine Bluffs

Section 7. Possession of firearms-Minors. No person under the age of nineteen years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the State Militia, R.O.T.C., or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

Section 8. Sale, possession, etc., of firearms, without manufacturer's identification mark prohibited. No person shall receive, possess, sell, lease, or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

Powell

8.24. Disposing of weapons to minors. It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, * * * or any other deadly weapon of any other kind whatsoever, which can be worn or concealed upon the person, and it shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

8.25. Police excepted. The provisions of this Article shall not apply to any duly appointed law enforcement officer in the lawful discharge of his duties as such officer.

Sheridan

Sec. 19-44. Same—Sale, etc., to minors. It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol * * * or other deadly weapon that can be worn, carried or concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designated for use in a pistol.

[FR Doc. 78-14730 Filed 5-26-78; 8:45 am]

federal register

TUESDAY, MAY 30, 1978
PART IV

DEPARTMENT OF COMMERCE

Office of the Secretary

■

VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Labeling of Thermal Insulation for Homes; Suspension of Fees for Participation

[3510-13]

DEPARTMENT OF COMMERCE

Office of the Secretary

VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Proposed Specification for Labeling of Thermal Insulation for Homes

AGENCY: Assistant Secretary of Commerce for Science and Technology, Commerce.

ACTION: Proposed performance information labeling specification.

SUMMARY: Pursuant to the procedures for a voluntary consumer product information labeling program, as amended (15 CFR Part 16; 42 FR 26647, dated May 25, 1977; 42 FR 57686, dated November 4, 1977; and 43 FR 8254, dated March 1, 1978), this notice announces the Department's proposed performance information labeling specification for the labeling of thermal insulation for homes under the program and invites interested persons to comment thereon. The proposed specification includes a description of the product and the performance characteristics covered, identification of product test methods to be used, label designs and label display requirements, and requirements for participation in the program with respect to thermal insulation for homes.

A separate notice is also being published in this issue of the FEDERAL REGISTER announcing the Secretary's intention to suspend fees for participation in this program with respect to thermal insulation for homes.

DATE: Comments must be received on or before July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3221.

SUPPLEMENTARY INFORMATION: On December 14, 1977, the Department announced in the FEDERAL REGISTER (42 FR 62946-62949) a finding of need to label thermal insulation for homes under the voluntary consumer product information labeling program and further announced that a performance information labeling specification (specification) was being developed for such insulation. These actions were taken in response to requests that thermal insulation for homes be labeled and were in accordance with § 16.4(d) of the Department's published Procedures for a voluntary consumer product information labeling program as amended (15 CFR Part 16; 42 FR 26647 at 26649, dated May 25, 1977; 42 FR 57686, dated November 4, 1977; and 43 FR 8254, dated March 1, 1978) (procedures). The effort to develop the specification has resulted in the proposed specification included in this notice, which is hereby presented for public comment in accordance with § 16.5(a) of the procedures.

Under § 16.2(b) of the procedures, the Department of Commerce may include on product performance labels information on product performance characteristics also covered by labeling programs of other Federal agencies, provided the other Federal agencies agree to such inclusion. The Department is cognizant of other Federal agency requirements and proposed requirements for labeling of thermal insulation for homes. Efforts have been made to coordinate the proposed specification with those requirements of other agencies so as to avoid the need for separate labels to meet differing agency requirements. These coordination efforts will continue as the final specification is written.

Interested persons desiring to comment on the proposed specification set out below are invited to submit such comments on or before July 14, 1978, to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230.

Any person desiring to express his or her views relative to the proposed specification in an informal hearing may do so by communicating that desire in writing, on or before June 14, 1978, to the Assistant Secretary for Science and Techonolgy at the address shown in the preceding paragraph. Upon receipt of such request informal hearings will be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments in addition to the opportunity to make written submissions. Notice of such hearings will be published in the FEDERAL REGISTER.

Upon receipt of the comments submitted in response to this notice, including the testimony of individuals at any hearings that may be held in conjunction therewith, a complete evaluation of such comments and testimony will be made. Upon completion of that evaluation a notice will be published in the FEDERAL REGISTER either (1) giving the complete text of a final specification, (2) stating that the proposed specification will undergo further development before final publication, or (3) withdrawing the proposed specification from further consideration.

Being published simultaneously in this issue of the FEDERAL REGISTER with this notice is a separate notice announcing that pursuant to §§ 16.6 (a) and (d) of the procedures the Secretary intends, at such time as a final specification for the labeling of thermal insulation for homes is issued, to suspend all fees and charges for participation in the program with respect to thermal insulation for homes.

Issued: May 23, 1978.

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

The following is the proposed specification under consideration for the labeling of thermal insulation for homes:

PROPOSED PERFORMANCE INFORMATION LABELING SPECIFICATION FOR THERMAL INSULATION FOR HOMES

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Initiation and termination of participation in program.
5.0 General conditions for participation.
6.0 Identification of material, form, and recommended application.
7.0 Testing and rating for area covered.
8.0 Testing and rating for R value.
9.0 Rating for thermal coverage and pricing factor.
10.0 Testing and rating for resistance to surface flame spread.
11.0 Testing and rating for resistance to smoldering.
12.0 Testing and rating for FSC number.
13.0 Testing and rating for corrosiveness.
14.0 Product labeling.
15.0 Use of program information in advertising.
16.0 Amendment.

FIGURE 1. Label for Loose Fill Type Insulation.
FIGURE 2. Label for Blanket, Batt, or Board Type Insulation.
APPENDIX A. Form for Notification of Desire To Participate in Program.

1.0 *Purpose*

The purpose of this Performance Information Labeling Specification is to establish procedures for the testing and labeling of thermal insulation for homes in accordance with the Procedures for a Voluntary Consumer Product Information Labeling Program, as amended (15 CFR Part 16; 42 FR 26647, dated May 25, 1977; 42 FR 57686, dated Nov. 4, 1977; and 43 FR 8254, dated Mar. 1, 1978) and to define requirements for participation in that program with respect to such insulation.

2.0 *Scope*

2.1 This Specification shall apply to the product class consisting of all insulation as defined in § 3.9 of this Specification.

2.2 Insulation covered by this Specification shall be labeled with respect to its material, form, recommended application, R value, area covered, pricing factor, resistance to surface flame spread, resistance to smoldering, FSC number, and corrosiveness.

3.0 *Definitions*

3.1 The term "Secretary" means the Secretary of Commerce or her designee.

3.2 The term "participant" means a manufacturer, assembler or private brand labeler of insulation, or an importer of insulation for resale, who participates in the Program with respect to insulation.

3.3 The term "designated agent" means a person, as defined in § 16.3(e) of the Procedures, who has been designated by the Sec-

retary to carry out appropriate operational procedures on behalf of more than one participant in accordance with § 16.9 of the Procedures.

3.4 The term "Program" means the Voluntary Consumer Product Information Labeling Program.

3.5 The term "Procedures" means the Procedures for a Voluntary Consumer Product Information Labeling Program, as amended (15 CFR Part 16; 42 FR 26647, dated May 25, 1977; 42 FR 57686, dated Nov. 4, 1977; and 43 FR 8254, dated Mar. 1, 1978).

3.6 The term "Specification" means the Performance Information Labeling Specification for Thermal Insulation for Homes.

3.7 The term "Label" means printed matter affixed to or otherwise provided with insulation and meeting the requirements of § 14.0 of this Specification.

3.8 The term "Department of Commerce Mark" means the mark indicated in Figures 1 and 2, which is registerable in the U.S. Patent and Trademark Office under 15 U.S.C. 1054.

3.9 The term "insulation" means thermal insulation intended for use in the ceiling, walls, floors, or other structural elements of private dwellings and customarily available to consumers for their use in the retrofitting of existing buildings or in the initial fitting of new buildings. The term includes loose-fill, batt, blanket, and board type insulation consisting of either organic or mineral materials in either cellular or fiber form.

3.10 The terms "ASTM Standard Test Method" and "ASTM Standard Recommended Practice," when used as references to specific documents and when used without identifying dates, means the current version of the specific American Society for Testing and Materials standard test method or standard recommended practice referenced. Copies of these documents may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

3.11 The term "Proposed Federal Specification" means the proposed version of the designated Federal purchase specification published by the Federal Supply Service, General Services Administration, for the use of all Federal agencies. The referenced portions of Proposed Federal Specifications may be obtained from the National Bureau of Standards, Division 761, Washington, D.C. 20234.

4.0 *Initiation and Termination of Participation in Program*

4.1 Any manufacturer, assembler, or private brand labeler of insulation, or importer of insulation for resale, desiring to participate in the Program with respect to insulation will nofity the Secretary. The notification shall list the brand name(s) for which the prospective participant proposes to use Labels and the proposed date of entry into the Program for each brand name. The notification shall also include a statement that if accepted as a participant in the Program the prospective participant will (1) abide by all conditions imposed by the Procedures, (2) abide by all conditions imposed by this Specification, and (3) desist from using the Department of Commerce Label and Mark if its participation in the Program is terminated. The notification shall be addressed to the Assist Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230. The notification may be in the form shown in Appendix A.

4.2 The Secretary shall act expeditiously on all requests to participate in the Programs and shall notify each prospective participant of her decision in writing. In those instances where the Secretary declines a request, she shall state the reasons for so declining.

4.3 If a prospective participant seeking to participate in the Program is notified by the Secretary that she proposes to deny that prospective participant the right to participate, that prospective participant shall have 30 days from the receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed denial shall become final through the issuance of a written decision to such prospective participant in the event that he does not appeal such notification by the end of the 30-day period. If, however, such prospective participant requests a hearing within that 30-day period, the Secretary's proposed denial shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

4.4 A participant may at any time terminate his participation and responsibilities under this Program with respect to a given brand of insulation by giving written notice to the Secretary that he has discontinued use of the Department of Commerce Label and Mark for all insulation of that brand.

4.5 The Secretary, upon finding that a participant is not complying with the conditions set out in the Procedures or in this Specification, may terminate upon 30 days' notice the participant's right to continue his participation in the Program with respect to insulation: *Provided*, That the participant shall first be given an opportunity to show cause why the participation should not be terminated.

4.6 Upon receipt from the Secretary of a notice of proposed termination of participation, which notice shall set forth the reasons for such proposed termination, the participant shall have 30 days from the date of receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed termination shall become final through the issuance of a written decision to the participant in the event such participant does not appeal the proposed termination within the 30-day period. If, however, the participant requests a hearing within the 30-day period, the Secretary's proposed termination shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

5.0 *General Conditions for Participation*

5.1 Prior to the use of a Label participants shall make or have made the tests and ratings and the identifications required under §§ 6.0 through 13.0 of this Specification and shall retain adequate records of the tests and computations involved. Such records shall be kept on file by the participant or his agent for three years and shall, if requested by the Secretary within that three-year period, be forwarded to the Secretary within 30 days of such request.

5.2 Participants should make or have made tests on sufficient samples of insulation to provide a valid basis for determining ratings and should maintain such quality control programs, to include testing, as are necessary to insure that no insulation having a Label is mislabeled.

5.3 Participants shall enter product ratings and other information on their Labels, and shall display their Labels in accordance with the requirements of § 14.0 of this Specification.

5.4 Each participant shall be identified on Labels used by that participant as the organization certifying the accuracy of ratings on the Labels.

5.5 In addition to the testing referred to in §§ 5.1 and 5.2 of this Specification, participants shall, if requested by the Secretary in accordance with § 16.7(d)4 of the Procedures, make or have made at their expense further tests or provide samples of insulation for further testing to determine whether testing has been done according to this Specification. The results of the requested tests, or the requested samples, shall be provided to the Secretary as soon as practicable, preferably within 30 days of receipt of such requests. This requirement does not preclude the Department of Commerce from testing or having tested any insulation at its own expense.

5.6 The requirement in §§ 5.1 and 5.5 of this Specification and the recommendation in § 5.2 of this Specification that participants "make or have made" tests of insulation may be fulfilled through the use of in-house testing, testing by other laboratories, testing associated with certification programs, or a combination of these three types of testing. However, for the purposes of this Program, accountability shall remain with the participant for information entered on Labels by that participant.

5.7 Participants may reproduce or may authorize non-participants such as retail sales organizations to reproduce Labels, including the Department of Commerce Mark, in the advertising of insulation labeled under the Program: *Provided*, That the requirements in § 15.0 of this Specification are satisfied.

5.8 Participants may utilize the services of designated agents who have been designated by the Secretary under § 16.9 of the Procedures to carry out specified operational procedures on behalf of participants in the Program with respect to insulation.

6.0 *Identification of Material, Form, and Recommended Application*

6.1 Insulation shall be identified with respect to its basic material through the use of the most appropriate of the following descriptive terms on Labels: mineral wool, cellular glass, perlite, vermiculite, cellulose, polystyrene, polyurethane, polyisocynurate. If none of the above terms is appropriate, a descriptive term provided and published by the Secretary under § 6.4 of this Specification shall be used.

6.2 Insulation shall be identified with respect to its basic form through the use of the most appropriate of the following terms on Labels: board type, board type with vapor varrier, blanket type, blanket type with vapor barrier, batt-type, batt type with vapor barrier, loose fill type for pouring, loose fill type for blowing, loose fill type for pouring or blowing. If none of the above terms is appropriate, a descriptive term provided and published by the Secretary under § 6.4 of this Specification shall be used.

6.3 Insulation shall be identified with respect to its recommended application by checking one or more of the following descriptive terms on Labels: attic floors, basement ceilings, floors over crawl spaces, enclosed walls, open walls. If none of the above terms is appropriate, one or more descriptive terms provided and published by the Secretary under § 6.4 of this Specification shall be used.

6.4 Participants or potential participants desiring to describe on Labels an insulation with respect to its material, form, or recom-

mended application, for which insulation the descriptive terms listed in § 6.1, 6.2, or 6.3 of this Specification are not appropriate, should notify the Secretary of the need for additional descriptive terms. Any such notification shall describe the material, form, and recommended application of the subject insulation and shall include proposed additional descriptive terms. Such notifications shall be addressed to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230. The Secretary shall provide additional descriptive terms if needed, or shall inform the submittor of the notification as to which of the previously listed descriptive terms should be used for the subject insulation, within 30 days of receipt of the notice. When additional descriptive terms are provided to the submitter, the Secretary shall also, as soon as practicable, publish in the FEDERAL REGISTER a notice of such provision.

6.5 Insulation shall be considered mislabeled if the material or form of the insulation is different from the approved descriptive terms for material and form listed on the Label, or if the insulation is deemed by the Secretary to be inappropriate for one or more of the approved recommended applications checked on the Label.

7.0 *Testing and Rating for Area Covered*

7.1 For loose fill type insulation, area covered shall be computed using the relationship $A = M/(D \cdot t/12)$, where A is the area covered, in square feet; M is the weight of insulation in a package, in pounds; D is the settled density in pounds per cubic foot determined in accordance with section 4.5.1 of Proposed Federal Specification HH-I-515D, Insulation, Thermal (Loose Fill for Pneumatic or Poured Applications): Cellulosic or Wood Fiber, as proposed November 4, 1977, or section 4.5.1 of Proposed Federal Sepcification HH-I-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or Poured Application), as proposed November 4, 1977, as appropriate; and t is the settled thickness of the installed insulation, in inches. (See section 3.11 of this Specification.) Area covered shall be computed for settled thicknesses of 1.0, 3.5, and 5.5 inches, and for the settled thicknesses in inches corresponding to R values of R = 30 and R = 40 as determined under section 8.1 of this Specification. Area covered values of less than 50-square feet shall be expressed in tenths of a unit and area covered values of 50-square feet or more shall be expressed in whole numbers on Labels.

7.2 For blanket and batt type insulation, area covered shall be computed using the relationship $A = W \cdot L$, where A is the area covered in square feet and W and L are the width and total length in feet of the package piece or pieces, measured on a flat horizontal surface in as-installed condition. Measurements of W and L may be made with any measuring device of suitable accuracy but care must be taken not to distort the insulation in the measurement process. During the measurement process, normal installed thickness in inches shall also be determined in accordance with section 4.1.1 of ASTM C 167, Standard Test Methods for Thickness and Density of Blanket or Batt Type Thermal Insulating Materials. Area covered values of less than 50-square feet shall be expressed in tenths of a unit and area covered values of 50-square feet or more shall be expressed in whole numbers on Labels.

7.3 For board type insulation, the area covered shall be computed using the relationship $A = W \cdot L$, where A is the area covered in square feet and W and L are the width and total length of the packaged piece or pieces, in feet. Measurements may be made with any measuring device of suitable accuracy. During the measurement process, normal installed thickness in inches shall also be determined. Area covered values of less than 50-square feet shall be expressed in tenths of a unit and area covered values of 50-square feet or more shall be expressed in whole numbers on Labels.

7.4 When tests to determine if insulation is mislabeled are conducted in accordance with section 7.1, 7.2, or 7.3 of this Specification and any value for area covered so determined is found to be less than the value shown on the Label for the same thickness of insulation by 0.2-square foot or 3 percent of the labeled value, whichever is greater, the insulation shall be considered mislabeled.

8.0 *Testing and Rating for R Value*

8.1 For loose fill type insulation, R value (thermal resistance) shall be determined in accordance with ASTM C 687, Standard Recommended Practice for Determination of the Thermal Resistance of Low-Density Fibrous Loose Fill Type Bulding Insulation. R values shall be determined at a mean temperature of 75°F for the settled density as determined under section 7.1 of this Specification. R values shall be computed for settled thicknesses of 1.0, 3.5, and 5.5 inches, and the settled thicknesses in inches corresponding to R values of R= 30 and R= 40 shall also be computed. R values shall be given in $°F \cdot h \cdot ft^2/Btu$ where °F means temperature difference in degrees Fahrenheit, h means hours, ft^2 means square feet, and Btu means British thermal units. R values of less than 10 shall be expressed in tenths of a unit and R values of 10 or more shall be expressed in whole numbers on Labels.

8.2 For blanket and batt type insulation, R value shall be determined in accordance with ASTM C 653, Standard Recommended Practice for Determination of the Thermal Resistance of Low-Density Mineral-Fiber Blanket-Type Building Insulation. R value shall be determined at a mean temperature of 75°F for the normal installed thickness as determined under section 7.2 of this Specification. R value shall be given in $°F \cdot h \cdot ft^2/But$, where °F means temperature difference in degrees Fahrenheit, h means hours, ft^2 means square feet, and Btu means British thermal units. R values of less than 10 shall be expressed in tenths of a unit, and R values of 10 or more shall be expressed in whole numbers on Labels.

8.3 For board type insulation, R value shall be determined in accordance with either ASTM C 177, Standard Test Method for Thermal Conductivity of Materials by Means of the Guarded Hot Plate; ASTM C 236, Standard Test Method for Thermal Conductance and Transmittance of Built-Up Sections by Means of the Guarded Hot Box; or ASTM C 518, Standard Test Method for Steady State Thermal Transmission Properties by Means of the Heat Flow Meter. Measurements shall be made at a mean temperature of 75°F on aged test specimens representative of the density and thickness of the labeled insulation. R value shall be computed for the installed thickness as determined under section 7.3 of this Specification and shall be given in $°F \cdot h \cdot ft^2/But$, where °F means temperature difference in degrees Fahrenheit, h means hours, ft^2 means square feet, and Btu means British thermal units. R values of less than 10 shall be expressed in tenths of a unit and R values of 10 or more shall be expressed in whole numbers on Labels.

8.4 Since in sections 8.1 and 8.2 of this Specification the referenced recommended practices provide alternative test methods for determining R value, and since in section 8.3 of this Specification alternative test methods are also provided, then in all cases where an R value rating comes into dispute the following order of precedence shall be held to prevail: R values determined in accordance with ASTM C 177, Standard Test Method for Thermal Conductivity of Materials by Means of the Guarded Hot Plate, shall prevail over R values determined in accordance with other methods, and R values determined in accordance with ASTM C 236, Standard Test Method for Thermal Conductance and Transmittance of Built-Up Sections by Means of the Guarded Hot Box, shall prevail over R values determined in accordance with ASTM C 518, Standard Test Method for Steady State Thermal Transmission Properties by Means of the Heat Flow Meter.

8.5 When tests to determine if insulation is mislabeled are conducted in accordance with section 8.1, 8.2, or 8.3 of this Specification and any R value so determined is found to be less than 95 percent of the R value shown on the Label for the same thickness of insulation, the insulation shall be considered mislabeled.

9.0 *Rating for Thermal Coverage and Pricing Factor*

9.1 For loose fill, blanket, batt and board type insulation, a thermal coverage rating shall be computed using the relationship $TCR = R \cdot A$ where TCR is the thermal coverage rating, R is the R value determined under § 8.1, 8.2, or 8.3 of this Specification and A is the area covered value, corresponding to this R value, determined under § 7.1, 7.2, or 7.3 of this Specification. For loose fill type insulation TCR shall be computed using the R value and area covered value corresponding to a settled thickness of one inch. For batt, blanket and board type insulation, TCR shall be computed for the R value and area covered corresponding to the installed thickness.

9.2 For display on the Label, a pricing factor shall be calculated using the relationship $PF = 1000/TCR$, where PF is the pricing factor and TCR is the thermal coverage rating determined in accordance with § 9.1 of this Specification. Pricing factor shall be expressed in hundredths of a unit on Labels.

9.3 When ratings to determine if insulation is mislabeled are made in accordance with §§ 9.1 and 9.2 of this Specification and the pricing factor so determined is found to be not in agreement with the pricing factor shown on the Label, the insulation shall be considered mislabeled.

10.0 *Testing and Rating for Resistance to Surface Flame Spread*

10.1 For loose fill, blanket, batt, and board type insulation, resistance to surface flame spread shall be determined in accordance with the surface flame spread test referenced in the following three specifications: ¶ 4.5.7 of Proposed Federal Specification HH-I-515D, Insulation, Thermal (Loose Fill for Pneumatic or Poured Applications): Cellulosic or Wood Fiber, as proposed November 4, 1977; § 4.5.8 of Proposed Federal Specification HH-I-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or

Poured Applications), as proposed November 4, 1977; and § 4.7.6 of Proposed Federal Specification HH-I-521F, Insulation Blankets, Thermal (Mineral Fiber, for Ambient Temperatures), as proposed November 9, 1977. (See § 3.11 of this Specification.) However, the following requirements shall apply to the testing of insulation having a vapor barrier or other membrane: Insulation having a vapor barrier or other membrane shall be tested both with the membrane exposed to the radiant panel and with the membrane either removed from the insulation or intact but not exposed, and the lower of the resulting values of resistance to surface flame spread shall be shown on Labels: *Except* That insulation which is clearly and conspicuously marked on the membrane that an exposed membrane may present a fire hazard and should not be installed so as to expose said membrane may be tested only with the membrane intact but not exposed to the radiant panel and the resulting value of resistance to surface flame spread shown on Labels. Resistance to surface flame spread shall be determined at the density used in the determination of R value under § 8.1, 8.2, or 8.3 of this Specification. Resistance to surface flame spread shall be given as the critical radiant flux in watts per square centimeter, shall be expressed in hundredths of a unit, and indicated at the appropriate position on the resistance to surface flame spread scale on Labels.

10.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 10.1 of this Specification and the resistance to surface flame spread so determined is found to be less than 95 percent of the resistance to surface flame spread shown on the Label, the insulation shall be considered mislabeled.

11.0 *Testing and Rating for Resistance to Smoldering*

11.1 For loose fill, blanket, batt, and board type insulation, resistance to smoldering shall be determined in accordance with the smoldering test referenced in the following three specifications: § 4.5.8 of Proposed Federal Specification HH-I-515D, Insulation, Thermal (Loose Fill for Pneumatic or Poured Application): Cellulosic or Wood Fiber, as proposed November 4, 1977; § 4.5.9 of Proposed Federal Specification HH-I-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or Poured Applications), as proposed November 4, 1977; and § 4.7.7 of Proposed Federal Specification HH-I-521F, Insulation Blankets, Thermal (Mineral Fiber, for Ambient Temperatures) as proposed November 9, 1977. (See § 3.11 of this Specification.) For board type insulation, the hole for insertion of the ignition source may be formed by drilling with an 8-mm drill. Resistance to smoldering shall be determined at the density used in the determination of R value under § 8.1, 8.2, or 8.3 of this Specification. Resistance to smoldering shall be computed as (100−weight loss in percent)/10 and shall be expressed in halves of a unit and indicated at the appropriate position on the resistance to smoldering scale on Labels.

11.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 11.1 of this Specification and the resistance to smoldering so determined is found to be less than the resistance to smoldering shown on the Label by more than one-half unit, the insulation shall be considered mislabeled.

12.0 *Testing and Rating for FSC Number*

12.1 For loose fill, blanket, batt, and board type insulation, FSC number (Flame Spread Classification) shall be determined in accordance with ASTM E 84, Standard Test Method for Surface Burning Characteristic of Building Materials. However, the following requirements shall apply to the testing of insulation having a vapor barrier or other membrane: Insulation having a vapor barrier or other membrane shall be tested both with the membrane exposed and with the membrane either removed from the insulation or intact but not exposed, and the higher of the resulting FSC numbers shall be shown on Labels: *Except*, That insulation that is clearly and conspicuously marked on the membrane that an exposed membrane may present a fire hazard and should not be installed so as to expose said membrane may be tested only with the membrane intact but not exposed and the resulting FSC number show on Labels. FSC number shall be determined at the density used in the determination of R value under § 8.1, 8.2, or 8.3 of this Specification. FSC numbers (Flame Spread Classification) shall be expressed in whole numbers evenly divisible by five on Labels.

12.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 12.1 of this Specification and the FSC number so determined is found to be more than five numbers greater than the FSC number shown on the Label, the insulation shall be considered mislabeled.

13.0 *Testing and Rating for Corrosiveness*

13.1 For loose fill, blanket, batt, and board type insulation, corrosiveness shall be determined in accordance with both § 4.5.5 of Proposed Federal Specification HH-I-515D, Insulation, thermal (Loose Fill for Pneumatic or Poured Application): Cellulosic or Wood Fiber; as proposed November 4, 1977, and § 4.5.6 of Proposed Federal Specification HH-I-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or Poured Application), as proposed November 4, 1977, with the further provision that all metal specimens shall be degreased before testing by washing with 1.1.1 trichloroethane or trichlorethylene until completely free of water breaks. (See § 3.11 of this Specification.) Degreased specimens shall be handled only with clean forceps. In making tests in accordance with HH-I-1030B, contact between the metal specimen and the stainless steel woven wire cloth shall be avoided. Corrosive effects to be noted shall be those listed in § 3.1.9 of Proposed Federal Specification HH-I-515D and § 3.2.6 of proposed Federal Specification HH-I-1030B. When the specified corrosive effects are noted with respect to the aluminum, copper, steel, or galvanized steel corrosion test specimens, the affected metals shall be checked on Labels. If the specified corrosive effects are not noted, the phrase "none of these" shall be checked on Labels.

13.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 13.1 of this specification and the affected metals so determined are found to be not checked on the Label, the insulation shall be considered mislabeled.

14.0 *Product Labeling*

14.1 The size and design of Labels shall be as shown in figure 1 for loose fill type insulation and Figure 2 for batt, blanket, and board type insulation, except that proportional reproductions of Labels from a minimum size of one half the indicated dimensions to a maximum size of 1.5 times the indicated dimensions may be used. The size of the Label shall be such as to clearly and conspicuously display the labeled information. All information and ratings called for in Figure 1 or 2 shall be shown on Labels, and no information or marks other than those indicated in Figures 1 and 2 shall be shown within the borders of Labels.

14.2 The Secretary shall provide each participant with camera-ready art suitable for use in printing Labels, except that such art will not contain numerical product ratings or other individualized information that is to be developed and provided by participants. Labels shall be based on accurate reproductions of the camera-ready art provided. However, participants may apply for permission to make minor variations in Label appearance, such as variations made necessary by the use of special printing techniques. Permission for such variations may be requested by application to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230. Applications shall be accompanied by an example of the proposed variation.

14.3 Labels may be printed separately, printed on a container or wrapping that contains insulation and is conveniently visible to consumers before sale, or may be printed directly on the insulation if the insulation is clearly visible to consumers before sale. The Label lettering and the Label background shall be of contrasting colors. Separately printed Labels may be fastened with adhesive, attached as hangtags, or affixed by any other secure means that does not detract from their visibility.

14.4 Labels shall be printed on or affixed to a conspicuous portion of each insulation package or other sales unit of insulation offered for sale to consumers. When Labels are printed or affixed along with other information, the Labels shall appear clearly distinct from the other information so that the Department of Commerce Mark on the Label cannot reasonably be considered to be associated with the other information.

14.5 Except for those packages or other sales units of insulation exported from the United States, every package or other sales unit of a labeled brand name of insulation that is listed in accordance with § 4.1 of this Specification shall carry a Label. However, participants utilizing more than one brand name may label some or all of those brand names of insulation in accordance with this Specification.

15.0 *Use of Program Information in Advertising*

15.1 Participants may reproduce Labels, including the Department of Commerce Mark, in the advertising of insulation labeled under the Program: *Provided*, That entire Labels, complete with all information required to be displayed at the point of retail sale, are shown legibly and are not combined or associated directly with any other mark or logo. However, the use of such reproductions, which may be of any legible size, shall not be a substitute for labeling of insulation in accordance with this Specification.

15.2 Participants may authorize non-participants, such as retail sales organizations, to reproduce Labels, including the Department of Commerce Mark, in the advertising of insulation labeled under the Program: *Provided*, That the requirements in § 15.1 of this Specification are satisfied.

16.0 *Amendment*

This Specification is subject to amendment or revision as provided in § 16.11 of the Procedures, except that new descriptive terms may be provided by the Secretary and published in the FEDERAL REGISTER as provided in § 6.4 of this Specification without first publishing notice of the proposed change in the FEDERAL REGISTER. Amendments and revisions shall not apply to insulation manufactured prior to the effective date of the amendment or revisions.

TYPE STYLE GUIDE
MB = Megaron Bold

Department of Commerce Mark as defined in section 3.8

U.S. Department of Commerce
VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM
INFOTAG

Material as identified under section 6.1

Form as identified under section 6.2

Thermal Insulation for Homes
Cellulose
Loose Fill for Blowing

18 pt. MB

Check recommended applications as identified under section 6.3

- For use in:
  - ☑ Attic floors
  - ☐ Basement ceilings
  - ☐ Floors over crawl spaces
  - ☐ Open walls
  - ☑ Enclosed walls

- **CAUTION: Follow instructions. Proper installation is necessary for safety and effectiveness.**

Area covered as determined under section 7.1

- **The contents of this package will provide:**

R value as determined under section 8.1

Thickness as determined under section 8.1

An R value* of	And will cover (square feet)	To give a settled thickness of (inches)
3.8	186	1.0
13	53	3.5
21	33.8	5.5
30	23.6	7.9
40	17.7	10.5

14 pt. MB

***NOTE:** A higher R value means less energy loss. Find the best R value for your location and home. For the best dollar value, compare fuel savings to insulation cost.

- **Price Comparison**

The Price Comparison Numbers should be used to find your best value. To find the Price Comparison Number for *this* package, multiply **1.41** by the price per package.

Pricing factor as determined under section 9.2

1.41 × Price of this Package = PRICE COMPARISON NUMBER

14 pt. MB

The smaller the Price Comparison Number, the less your cost for insulation.

Resistance to surface flame spread as determined under section 10.1

- **Fire Resistance Ratings**

Resistance to Surface Flame Spread — .43 — less resistant (0) to more resistant (1.0)

14 pt. MB

Resistance to smoldering as determined under section 11.1

Resistance to Smoldering — 6 — less resistant (0) to more resistant (10)

The higher the number, the more resistant to burning. Remember, any material *might* burn under extreme conditions.

14 pt. MB

Building Code Compliance
Some building codes and other regulations require that the FSC number not exceed a certain value. Check with your local authorities. The FSC number for this package is 45

FSC number as determined under section 12.1

14 pt. MB

- **Corrosion**

This material may corrode:

Check affected metals as identified under section 13.1

- ☐ Aluminum
- ☐ Copper
- ☐ Steel
- ☐ Galvanized steel
- ☑ None of these

Name of participant as required under section 5.5

Data on this label certified by:

Type style to be selected by participant

LABEL DIMENSIONS:
12 3/4 inches high
8 3/4 inches wide

FIGURE 1. LABEL FOR LOOSE FILL TYPE INSULATION

TYPE STYLE GUIDE

MB = Megaron Bold

Department of Commerce Mark as defined in section 3.8

Material as identified under section 6.1

Form as identified under section 6.2

Check recommended applications as identified under section 6.3

Area covered as determined under section 7.2 or 7.3

R value as determined under section 8.2 or 8.3

Thickness as determined under section 7.2 or 7.3

Pricing factor as determined under section 9.2

Resistance to surface flame spread as determined under section 10.1

Resistance to smoldering as determined under section 11.1

FSC number as determined under section 12.1

Check affected metals as identified under section 13.1

Name of participant as required under section 5.5

LABEL DIMENSIONS:
12 3/4 inches high
8 3/4 inches wide

U.S. Department of Commerce
VOLUNTARY CONSUMER PRODUCT
INFORMATION LABELING PROGRAM
INFOTAG

Thermal Insulation for Homes
Mineral Wool
Blanket Type

18 pt. MB

- **For use in:**
  - ☑ Attic floors
  - ☑ Basement ceilings
  - ☑ Floors over crawl spaces
  - ☑ Open walls
  - ☑ Enclosed walls
- **CAUTION: Follow instructions. Proper installation is necessary for safety and effectiveness.**
- **The contents of this package will provide:**

An R value* of	And will cover (square feet)	To give a thickness of (inches)
19	53	6

14 pt. MB

***NOTE:** A higher R value means less energy loss. Find the best R value for your location and home. For the best dollar value, compare fuel savings to insulation cost.

- **Price Comparison**

The Price Comparison Numbers should be used to find your best value. To find the Price Comparison Number for *this* package, multiply .99 by the price per package

14 pt. MB

.99 × Price of this Package = PRICE COMPARISON NUMBER

The smaller the Price Comparison Number, the less your cost for insulation.

- **Fire Resistance Ratings**

Resistance to Surface Flame Spread — .68 — 14 pt. MB

less resistant 0 — 1.0 more resistant

Resistance to Smoldering — 8 — 14 pt. MB

less resistant 0 — 10 more resistant

The higher the number, the more resistant to burning Remember, any material *might* burn under extreme conditions.

Building Code Compliance

Some building codes and other regulations require that the FSC number not exceed a certain value. Check with your local authorities. The FSC number for this package is 25

14 pt. MB

- **Corrosion**

This material may corrode:

☐ Aluminum ☐ Copper ☐ Steel ☐ Galvanized steel ☑ None of these

Data on this label certified by:

Type style to be selected by participant

FIGURE 2. LABEL FOR BLANKET, BATT, OR BOARD TYPE INSULATION

PERFORMANCE INFORMATION LABELING SPECIFICATION FOR THERMAL INSULATION FOR HOMES

APPENDIX A.—FORM FOR NOTIFICATION OF DESIRE TO PARTICIPATE IN PROGRAM

Assistant Secretary for Science and Technology,
Room 3862,
U.S. Department of Commerce,
Washington, D.C. 20230.

(Insert name of prospective participant) desires to participate in the Department of Commerce Voluntary Consumer Product Information Labeling Program (Program) with respect to thermal insulation for homes. If accepted as a participant in the Program, (Insert name of prospective participant) intends to label thermal insulation offered for sale under the brand name(s) (Insert name or names of brands to be labeled), effective (Insert date on which labeling will start).

If accepted as a participant in the Program, (Insert name of prospective participant) agrees to:

(1) Abide by all conditions imposed by the Procedures for a Voluntary Consumer Product Information Labeling Program, 15 CFR Part 16;

(2) Abide by all conditions imposed by the Performance Information Labeling Specification for Thermal Insulation for Homes;

(3) Desist from using the Department of Commerce Label and Mark if its participation in the Program is terminated.

.....
(Date)

.....
(Signature)

.....
(Signer's title)

[FR Doc. 78-14921 Filed 5-26-78; 8:45 am]

[3510-13]

VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Suspension of Fees for Participation

In a separate notice appearing in this issue of the FEDERAL REGISTER the Department of Commerce announces for public comment a proposed Performance Information Labeling Specification for thermal insulation for homes (Specification) under the procedures for a Voluntary Consumer Product Information Labeling Program, as amended (15 CFR Part 16; 42 FR 26647, dated May 25, 1977; 42 FR 57686, dated November 4, 1977; and 43 FR 8254 dated March 1, 1978) (Procedures). Under section 16.6 of the Procedures the Secretary must announce simultaneously with the publication of the notice of the proposed Specification her intention with respect to fees and charges for participation in the program for thermal insulation for homes.

Accordingly, pursuant to § 16.6(d) of the Procedures notice is hereby given that the Secretary intends, at such time as a final Performance Information Labeling Specification for thermal insulation for homes is issued, to suspend all fees and charges for participation in the program with respect to thermal insulation for homes.

This notice is furnished for information and guidance purposes only in order that the public may evaluate the proposed Specification in light of the Secretary's intention announced above.

Issued: May 23, 1978.

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

[FR Doc. 78-14922 Filed 2-26-78; 8:45 am]

Federal Register

TUESDAY, MAY 30, 1978
PART V

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

DEPARTMENT OF ENERGY

■

ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECT

Performance Standards for Demonstrations

[3128-01]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

PART 475—ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECT

Performance Standards for Demonstrations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This rule prescribes minimum performance standards for electric and hybrid vehicles to be purchased or leased for the first phase of a demonstration program under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.

EFFECTIVE DATE: July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles E. Pax, Office of Assistant Secretary, Conservation and Solar Applications, 20 Massachusetts Avenue NW., Washington, D.C. 20545, 202-376-4893.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On February 6, 1978, the Department of Energy (DOE) issued proposed regulations (43 FR 5841, February 10, 1978) to establish minimum performance standards for electric and hybrid vehicles which are to be purchased or leased for the first phase of a demonstration program as required under section 4 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (Pub. L. 94-413) (Act). The proposed regulations, issued as Part 1010 of Chapter X, Title 10, of the Code of Federal Regulations, followed an earlier request for comment on standards recommended by contractors (42 FR 53630, October 3, 1977). The scheduled public hearing on the proposal was canceled since only two respondents requested an opportunity to make an oral presentation and both subsequently elected to submit their comments in writing.

DISCUSSION OF COMMENTS

Twenty-five written comments were received by DOE. Several contended that no performance standards should be set. However, the Act requires that minimum performance standards be promulgated by rule for both personal-use vehicles and commercial vehicles.

A number of comments recommended easing specific minimum performance levels, citing the low level of maturity of available technology, while other comments recommended raising these levels to avoid the adverse effects of demonstrating vehicles of disappointing or marginal capability. A considerable amount of judgment was involved to determine a reasonable common ground among these differing approaches. As discussed in particular below, the regulations issued today meet several of the concerns expressed in the comments and define some of the specific standards with greater clarity.

1. *General—Establish a single set of standards applicable to commercial and personal-use vehicles.* Some comments suggested making a single set of performance standards applicable to both vehicle classifications. Section 7(b)(2) of the Act, however, requires that "[s]eparate performance standards shall be established * * * with respect to (A) electric or hybrid vehicles for personal use, and (B) commercial electric or hybrid vehicles." In many instances the minimum performance standard for a particular category is identical for both commercial and personal-use vehicles. For other categories it has been judged appropriate to select different performance standards for the two vehicle types in view of differences in use and in consideration of constraints imposed by the available technology.

2. *Section 475.2 Definitions—Commercial vehicle and personal-use vehicle.* A suggestion was made to limit personal-use vehicles to those designed for six passengers or less. There are, however, in use a number of vehicles capable of transporting up to 10 passengers, which vehicles are used primarily as personal automobiles, with similar performance demands, rather than as commercial buses. Therefore, vehicles designed to carry up to 10 passengers may be personal vehicles under the regulations.

Another comment suggested that a commercial vehicle be defined as designed primarily to transport material. However, the performance demanded of a large personal carrier (such as a bus) may be considerably different from that of a smaller passenger vehicle, and such a vehicle is judged to be more appropriately considered as a commercial vehicle.

Comments also suggested that the commercial vehicle definition permit various performance standards based on rated gross vehicle mass or vehicle purpose. There are, indeed, numerous subdivisions which could be made in the commercial vehicle standards. However, it is not the intent of these minimum performance standards to regulate the product development, performance specifications or design goals of industry. It is also not intended that the demonstration conducted under the Act impose a limit on industry's scope of development or preclude interaction between industry and consumers to explore other vehicle types and performance levels. The definitions of commercial vehicles and personal-use vehicles are, therefore, unchanged.

3. *Section 475.2—Electric vehicle should be defined as requiring 100 percent wall-plug energy.* This suggestion is not accepted since there may be considerable advantage in permitting nonelectric fueling of accessories, such as a heater having a high peak power demand but overall low annual energy demand. Nonelectric energy use for other than accessories on the electric vehicle is limited by sections 475.10(h)(1) and 475.11(h)(1) of the regulations which both state "[f]or an electric vehicle, the maximum amount of nonelectrical energy consumed shall be that used for operation of the accessories only."

4. *Section 475.2—Redefine vital accessories to inlcude heater blowers only if the vehicle is equipped with a heater.* It was suggested that since a heater was required to be available only if selected by the user, heater blowers should be required as vital accessories only if the vehicle was equipped with a heater. DOE agrees with this comment, and this suggestion has been adopted.

5. *Section 475.10(a) and 475.11(a)—Acceleration.* Several comments requested relaxing the proposed acceleration standards and other comments indicated that the proposed acceleration standards were already too lenient. After considering these comments, DOE has determined that the proposed acceleration standard for commercial vehicles appropriately reflects consideration of consumer preference, what technology can presently provide at a reasonable cost, and existing time constraints; and promotes the acquisition and use of such vehicles as required for the initial standards by section 7(b)(2) of the Act. The commercial vehicle acceleration standard is, therefore, adopted as proposed. In order to enhance the opportunity for obtaining a cross section of personal-use vehicles in the demonstrations, as required by section 7(c)(1) of the Act, as amended by section 601 of Pub. L. 95-238, the suggestion to lower the personal-use minimum performance standard for 0 to 50 km/hr acceleration time from 12 seconds to 15 seconds is accepted. Although the technology currently exists for achieving the more stringent acceleration, time constraints may prohibit the technology from being effectively utilized in the first vehicle purchase. However, subsequent purchases may not be subject to the same limitations.

6. *Section 475.10(b) and 475.11(b)—Gradeability at speed.* Several com-

ments recommended relaxing the performance standard for gradeability at speed due to the level of available technology. This recommendation is also adopted to ensure a reasonable cross section of vehicles in the first phase of the demonstration. The standards for gradeability at speeds for both personal-use vehicles and commercial vehicles are therefore set at 25 km/hr on a 10 percent grade.

7. *Section 475.10(c) and 475.11(c)—Gradeability limit.* Several comments recommended relaxing the steepness or the duration of the gradeability limit to reduce the difficulty of compliance. These recommendations were not accepted since it was judged from available test data that sufficient capability existed to meet this standard, and this capability was considered important to a successful demonstration.

8. *Section 475.10(d) and 475.11(d)—Forward speed capability.* Comments were received which recommended relaxing the forward speed capability standard due to the level of technology available. Comments were also received which recommended raising the forward speed capability performance due to user requirements.

Lowering this forward speed capability standard is considered tolerable provided the use environment of the initial demonstration vehicles is selected carefully. To permit more latitude in manufacturer trade-offs for vehicles in the initial demonstrations, as discussed above in comments (5) and (6), the minimum performance standards for forward speed capability are reduced to 80 km/hr for personal-use vehicles and 70 km/hr for commercial vehicles.

9. *Section 475.10(e) and 475.11(e)—Range.* A few comments recommended lower electric vehicle range standards on the basis of vehicle capabilities, and several comments recommended higher electric vehicle range standards to satisfy more user needs. No comments were received on proposed hybrid vehicle range standards. User data indicate a strong desire for range improvement beyond that achievable by state-of-the-art electric vehicles. The levels for the minimum standards for range previously proposed by DOE are judged to be achievable by good application of state-of-the-art technology, allow some latitude for trade-offs and are capable of fulfilling initial demonstration vehicle needs. Therefore, the range standards are adopted as proposed.

10. *Section 475.10(f) and 475.11(f)—Battery recharge time.* In response to several comments which recommended clarification of the initial and final battery condition associated with this standard, the wording of the final standard has been clarified. Several comments also recommended longer recharge times and deleting the requirement of an onboard charger for personal-use vehicles. DOE has determined that sufficient types of vehicles are available which meet these standards and, therefore, such changes are unnecessary to obtain an appropriate cross section of vehicles and would impose undesirable restrictions on users of the demonstration vehicles.

11. *Section 475.10(g) and 475.11(g)—Recharge control.* A few comments indicated confusion as to which requirements of energy, life, maintenance, and safety were involved. The standard has accordingly been clarified to read as follows: "The vehicle shall have a recharge control which is adequate to meet the requirements of energy, life, and safety as such requirements are stated by these performance standards." Since no performance standards specifically for vehicle maintenance are being promulgated at this time, the reference to maintenance has been deleted.

12. *Section 475.10(i) and 475.11(i)—Battery life.* A considerable amount of comment was received on the standard for battery life. Several comments recommended lowering the standard on the basis that it was beyond the current state-of-the-art and that batteries would not give a year of service before replacement, as required by the proposed standard. Other comments recommended the standard be adopted as proposed or made more demanding to provide a more satisfactory demonstration. Several comments noted the difficulty of determining compliance with battery life standards considering the time constraints, and recommended replacing the proposed standard with a warranty by the vehicle manufacturer.

The DOE considers it important to the success of the demonstration that the vehicles continue to perform at or above certain levels for some minimum duration of use. The battery life standard has been modified to require repair and replacement of the batteries by the vehicle manufacturer if necessary to continue vehicle performance at or above certain levels. This takes into account possible failure or degradation of batteries, permits achieving the limits of the state-of-the-art at low risk while providing incentive for vehicle operation at high performance levels without battery failures, and overcomes the difficulty of determining compliance with the battery life standard within the time constraints of the program.

13. *Section 475.10 (j) and (k) and 475.11 (j) and (k)—State-of-charge meter and odometer.* Several comments recommended requiring more instrumentation on vehicles, but DOE considers it appropriate that any instrumentation, other than a certain minimum, be determined by interaction between manufacturers and users and not be mandated by DOE.

A comment recommended clarification of the term "state-of-charge" in these sections and this has been done.

14. *Section 475.10(l) and 475.11(l)—Heater.* A comment recommended making the heater mandatory, but DOE has not adopted this recommendation due to the additional cost which could be involved and the possibility of users not needing the heater in some climates.

15. *Section 475.10(o) and 475.11(o)—Safety.* A comment recommended that although the Department of Transportation has granted exceptions to safety standards in the past, the Department of Energy should specify that no exceptions from basic safety standards will be accepted because this would threaten the life and health of vehicle owners. This recommendation has not been adopted since the Department of Transportation is considered the appropriate body for determining the applicability of its safety standards to electric and hybrid vehicles.

Several comments recommended a clarification of the term "explosive proof" in paragraph (o)(2)(iii). Therefore, this section has been revised to read as follows: "Vehicles with battery caps or battery vents shall have flame barrier provisions to inhibit battery explosions."

A comment recommended modification to avoid vagueness of the term "system malfunction" in paragraph (o)(2)(iv) by substituting the term "maintenance." This has been adopted by DOE.

A few comments recommended deletion or modification of paragraph (o)(2)(v) for positive battery disconnect. However, DOE considers this standard an important safety feature and is issuing the standard as proposed.

Several comments questioned whether paragraph (o)(2)(vi) required specific dynamic performance levels over the expanded temperature range of −25° C to 50° C. Specific minimum dynamic performance levels are required only within the temperature range specified by § 475.3. Paragraph (o)(2)(vi) has been restated for clarity.

Final Regulations

The regulations are adopted as proposed except for modifications described above.

These performance standards only specify the minimum criteria for the selection of vehicles to be leased or purchased for the demonstration projects to be conducted by DOE under section 7 of the Act. As part of its solicitation and selection process, DOE may specify varying priorities for increased performance levels and additional considerations within and among the designated categories in order to provide a broad spectrum of

vehicles that best meet the needs of the demonstration program. Those vehicles meeting the minimum performance standards will be eligible to be considered for selection using criteria which may include user needs and preferences, reliability, durability, ease of maintenance, safety, passenger and cargo capability, energy use, noise, costs, warranties and other qualitative factors which will provide the project, to the extent practicable, pursuant to section 7(c)(1) of the Act, as amended, with demonstration vehicles which represent a cross section of available technologies and of actual or potential vehicle use.

The performance standards issued today are the initial standards to be used by DOE. These standards, as required by section 7(b)(3) of the Act, as amended, will be revised periodically as the state-of-the-art improves. It is expected that vehicles procured for demonstration subsequent to the initial procurements would be required to meet progressively more stringent minimum performance standards.

(Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94-413, as amended by Department of Energy Act of 1978—Civilian Applications, Pub. L. 95-238; Energy Reorganization Act of 1974, Pub. L. 93-438; Department of Energy Organization Act, Pub. L. 95-91.)

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations is amended by establishing Part 475, as set forth below.

Issued in Washington, D.C., May 24, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

Chapter II of Title 10, Code of Federal Regulations, is amended by establishing Part 475 as follows:

Subpart A—General Provisions

Sec.
475.1 Purpose and scope.
475.2 Definitions.
475.3 Test conditions and procedures.
475.4 Units.

Subpart B—Minimum Levels of Performance

475.10 Minimum levels of performance for personal-use vehicles.
475.11 Minimum levels of performance for commercial vehicles.

AUTHORITY: Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94-413, as amended by Department of Energy Act of 1978—Civilian Applications, Pub. L. 95-238; Energy Reorganization Act of 1974, Pub. L. 93-438; Department of Energy Organization Act, Pub. L. 95-91.

Subpart A—General Provisions

§ 475.1 Purpose and scope.

This part contains performance standards for electric and hybrid vehicles required to be prescribed by the Department of Energy pursuant to section 7(b)(1) of the Act.

§ 475.2 Definitions.

As used in this part:

"Act" means the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (Pub. L. 94-413, 90 Stat. 1263 et seq.), as amended by Department of Energy Act of 1978—Civilian Applications (Pub. L. 95-238; 92 Stat. 47, 91-94).

"Commercial vehicle" means a vehicle other than a personal-use vehicle.

"Electric vehicle" means a vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a nonelectrical source of power designed to charge batteries and components thereof.

"Hybrid vehicle" means a vehicle propelled by a combination of an electric motor and an internal combustion engine or other power source and components thereof.

"Personal-use vehicle" means a vehicle designed to carry 10 persons or less and which is designed and primarily used for transporting the vehicle operator and passengers.

"Vehicle" means an electric or hybrid vehicle.

"Vital accessories" means headlights, taillights, windshield wipers, windshield defroster and defroster blowers. Heater blowers also shall be considered as vital accessories if the vehicle is equipped with a heater.

§ 475.3 Test conditions and procedures.

The conditions and procedures in Electric Vehicle Test Procedure—SAE J227a, as revised February 1976, of the Society of Automotive Engineers, shall be used to determine the levels of performance of vehicles for those categories for which minimum levels of performance are prescribed in Subpart B.

§ 475.4 Units.

The units and unit symbols and abbreviations used in this part are those of the International System of Units (Systeme International) or SI as established by the General Conference of Weights and Measures in 1960 and interpreted and modified for the United States pursuant to the U.S. Department of Commerce notice on the Interpretation and Modification of the International System of Units for the United States (41 FR 54018, December 10, 1976).

Subpart B—Minimum Levels of Performance

§ 475.10 Minimum levels of performance for personal-use vehicles.

The following minimum levels of performance are required with respect to any personal-use vehicles purchased or leased pursuant to section 7(c) of the Act.

(a) *Acceleration.* The time required to accelerate from rest to 50 km/h shall not exceed 15s.

(b) *Gradeability at speed.* The grade which can be traversed up at 25 km/h shall be at least 10 percent.

(c) *Gradeability limit.* The grade on which the vehicle can start and climb for 20s either backward or forward shall be no less than 20 percent.

(d) *Forward speed capability.* The speed which can be maintained for 5 minutes shall be 80 km/h.

(e) *Range.* The distance which the vehicle can be operated with vital accessories on or equivalent shall be:

(1) For an electric vehicle, at least 50 km on the SAE J227a/C cycle, and

(2) For a hybrid vehicle, at least 200 km on the SAE J227a/C cycle.

(f) *Battery recharge time.* The vehicle shall be capable of satisfying the range requirement of § 475.10(e) above, after being recharged for no more than 10 hours by use of an onboard charger. At the start of this recharge the vehicle shall have 80 percent discharged batteries as specified by the vehicle test conditions and procedures of § 475.3. The onboard charger shall be compatible with an electric power outlet of 110V or 220V AC, as specified by the vehicle manufacturer.

(g) *Recharge control.* The vehicle shall have a recharge control which is adequate to meet the requirements of energy, life, and safety as such requirements are stated by these performance standards.

(h) *Energy consumption.* (1) For an electric vehicle, the maximum amount of nonelectrical energy consumed shall be that used for operation of the accessories only.

(2) For a hybrid vehicle, nonelectrical energy consumed shall not exceed 1.3 MJ/km and shall also not exceed 75 percent of total energy consumed for propulsion and vital accessories, based on being fully loaded on a driving schedule of 33 km on SAE J227 a/C cycle plus 33 km at 75 km/h (higher heating value of gasoline taken as 32.7 MJ/L) and with vital accessories on.

(i) *Battery life.* (1) The vehicle shall be capable of at least 75 percent of the range specified in § 475.10(e) after 12 months or 15,000 km of normal use, whichever occurs first.

(2) The vehicle shall be capable of 100 percent of the acceleration and gradeability specified in § 475.10 (a), (b), and (c), for all test conditions and procedures specified by § 475.3, for 12 months or 15,000 km of normal use, whichever occurs first.

(3) The batteries shall, if necessary, be repaired or replaced by the vehicle manufacturer at no cost to the user of the vehicle in order to meet requirements of (1) and (2) of § 475.10(i).

(j) *State-of-charge meter.* The vehicle shall have a state-of-charge meter for the propulsion battery system or other means of providing an indication of remaining range.

(k) *Odometer.* The vehicle shall have an odometer.

(l) *Passenger comfort heater.* The vehicle shall have a passenger comfort heater available as an option.

(m) *Documentation.* Adequate user manuals, maintenance (service) manuals and parts lists shall be provided.

(n) *Emissions.* The vehicle shall comply with all applicable Federal emissions regulations for motor vehicles.

(o) *Safety, crashworthiness, damageability, crash avoidance and hazards.* (1) The vehicle shall comply with all applicable Federal regulations for motor vehicles concerning safety, crashworthiness, damageability, crash avoidance and hazards, unless a waiver or modification is obtained from the Department of Transportation.

(2) Until the Department of Transportation issues regulations which cover the same subjects, the vehicle shall also have the following performance characteristics:

(i) The electric propulsion circuit shall be electrically isolated from other conductive portions of the vehicle.

(ii) The vehicle shall be capable of undergoing the test procedure of Federal Motor Vehicle Safety Standards 208 and 301 with all battery materials remaining outside the passenger compartment.

(iii) Vehicles with battery caps or battery vents shall have flame barrier provisions to inhibit battery explosions.

(iv) Ventilation shall be adequate within the battery compartment to maintain the concentration of hydrogen below 4 percent by volume during vehicle operation (including charging and maintenance).

(v) The vehicle shall have a device which provides for the positive disconnection of the battery and which is operable from the normal operator position.

(vi) The vehicle shall be capable of being parked for up to 8 hours in temperatures of −25° C to 50° C and subsequently operated at any temperature within this temperature range without damage to the vehicle or hazard to persons.

§ 475.11 Minimum levels of performance for commercial vehicles.

The following minimum levels of performance are required with respect to any commercial vehicles purchased or leased pursuant to section 7(c) of the Act.

(a) *Acceleration.* The time required to accelerate from rest to 50 km/h shall not exceed 15s.

(b) *Gradeability at speed.* The grade which can be traversed up at 25 km/h shall be at least 10 percent.

(c) *Gradeability limit.* The grade on which the vehicle can start and climb for 20s either backward or forward shall be no less than 20 percent.

(d) *Forward speed capability.* The speed which can be maintained for 5 minutes shall be 70 km/h.

(e) *Range.* The distance which the vehicle can be operated with vital accessories on or equivalent shall be:

(1) For an electric vehicle, at least 50 km on the SAE J227a/B cycle, and

(2) For a hybrid vehicle, at least 200 km on the SAE J227a/B cycle.

(f) *Battery recharge time.* The vehicle shall be capable of satisfying the range requirement of § 475.11(e) above, after being recharged for no more than 10 hours. At the start of this recharge the vehicle shall have 80 percent discharged batteries as specified by the vehicle test conditions and procedures of § 475.3.

(g) *Recharge control.* The vehicle shall have a recharge control which is adequate to meet the requirements of energy, life, and safety as such requirements are stated by these performance standards.

(h) *Energy consumption.* (1) For an electric vehicle, the maximum amount of nonelectrical energy consumed shall be that used for operation of the accessories only.

(2) For a hybrid vehicle, nonelectrical energy consumed shall not exceed 9.8 kJ/kmkg of cargo and shall also not exceed 75 percent of total energy consumed for propulsion and vital accessories, based on being fully loaded on a driving schedule of 100 km on SAE J227a/B cycle, the cargo not including the operator, and with vital accessories on.

(i) *Battery life.* (1) The vehicle shall be capable of at least 75 percent of the range specified in § 475.11(e) after 12 months or 15,000 km of normal use, whichever occurs first.

(2) The vehicle shall be capable of 100 percent of the acceleration and gradeability specified in § 475.11 (a), (b), and (c), for all test conditions and procedures specified by § 475.3, for 12 months or 15,000 km of normal use, whichever occurs first.

(3) The batteries shall, if necessary, be repaired or replaced by the vehicle manufacturer at no cost to the user of the vehicle in order to meet requirements of (1) and (2) of § 475.11(i).

(j) *State-of-charge meter.* The vehicle shall have a state-of-charge meter for the propulsion battery system or other means of providing an indication of remaining range.

(k) *Odometer.* The vehicle shall have an odometer.

(l) *Passenger comfort heater.* The vehicle shall have a passenger comfort heater available as an option.

(m) *Documentation.* Adequate user manuals, maintenance (service) manuals and parts lists shall be provided.

(n) *Emissions.* The vehicle shall comply with all applicable Federal emissions regulations for motor vehicles.

(o) *Safety, crashworthiness, damageability, crash avoidance and hazards.* (1) The vehicle shall comply with all applicable Federal regulations for motor vehicles concerning safety, crashworthiness, damageability, crash avoidance and hazards, unless a waiver or modification is obtained from the Department of Transportation.

(2) Until the Department of Transportation issues regulations which cover the same subjects, the vehicles shall also have the following performance characteristics:

(i) The electric propulsion circuit shall be electricially isolated from other conductive portions of the vehicle.

(ii) The vehicle shall be capable of undergoing the test procedure of Federal Motor Vehicle Safety Standards 208 and 301 with all battery materials remaining outside the passenger compartment.

(iii) Vehicles with battery caps or battery vents shall have flame barrier provisions to inhibit battery explosions.

(iv) Ventilation shall be adequate within the battery compartment to maintain the concentration of hydrogen below 4 percent by volume during vehicle operation (including charging and maintenance).

(v) The vehicle shall have a device which provides for the positive disconnection of the battery and which is operable from the normal operator position.

(vi) The vehicle shall be capable of being parked for up to 8 hours in temperatues of −25° C to 50° C and subsequently operated at any temperature within this temperature range without damage to the vehicle or hazard to persons.

[FR Doc. 78-14887 Filed 5-26-78; 8:45 am]

federal register

TUESDAY, MAY 30, 1978
PART VI

DEPARTMENT OF LABOR

Employment and Training Administration

■

YOUTH INCENTIVE ENTITLEMENT PILOT PROJECTS

Final Rules; Corrections and Clarifications

[4510-30]

Title 29—Labor

Subtitle A—Office of the Secretary of Labor

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Youth Incentive Entitlement Pilot Projects; Correction and Clarification

AGENCY: Department of Labor.

ACTION: Corrections and clarifications to final rules.

SUMMARY: On December 9, 1977, the Department of Labor published in the FEDERAL REGISTER final regulations to implement the Youth Incentive Entitlement Pilot Projects under the Youth Employment and Demonstration Projects Act of 1977 (YEDPA). The purpose of this publication is to amend those final regulations by correcting typographical and compilation errors and by clarifying policy. Many of these changes were made as a result of comments received.

DATE: Effective date; June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert Taggart, Administrator, Office of Youth Programs, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION:

SUMMARY OF CHANGES

The Youth Employment and Demonstration Projects Act (YEDPA) of 1977, Pub. L. 95-93, became effective on August 5, 1977. It amended the Comprehensive Employment and Training Act (CETA) of 1973 by adding several new programs for youth. The purpose of these new programs is to employ and increase the future employability of young persons, to help coordinate and improve existing career development, employment and training programs, and to test different approaches in solving the employment problems of youth.

In order to move as rapidly as possible to implement YEDPA, the Department found it to be in the public interest to publish the Youth Incentive Entitlement Pilot Project regulations in final form so that program implementation may rapidly respond to the critical employment needs of youth. This finding constituted a waiver of the Department's regulation 29 CFR 2.7. Nevertheless, in keeping with the spirit of 29 CFR 2.7, comments were accepted during the 30-day period subsequent to the publication date.

At this time the Department is making revisions and corrections to these regulations primarily as a result of the comments which were received. The regulations are reprinted in their entirety for the convenience of the public.

The following sections include revisions or typographical corrections: Sections 94.3, 97.501(b), 97.505, 97.507(g)(1)(i), 97.507(l)(1), 97.507(i)(2), 97.507(j)(1)(i), 97.507(j)(1)(iv), 97.515(f), 97.515(g), 97.516(a)(1), 97.516(a)(4), 97.516(a)(5)(ii), 97.516(g), 97.516(H), 97.522, 97.523, and 97.524.

The major revisions which are being made in order to clarify program requirements are as follows:

In § 97.507, *Preapplication specifications,* Paragraph (i)(1)(ii) and in § 97.516 Eligibility of participants, Paragraph (a)(5)(ii), corrections were made to show that youth may participate in an approved or certified GED program rather than only in a State-certified GED program. As originally published, this requirement was more restrictive than intended, since many States do not have a process for certifying GED programs.

In § 97.507, *Preapplication specifications,* Paragraph (i)(1)(iv) has been clarified to reference the definition of job restructuring at § 97.702(g)(1) of this Part as applicable to the Entitlement program.

In paragraph (j)(1)(i) a correction was made to identify that the amount of paid program time during the school year is a maximum of 20 hours per week for a youth in the Entitlement program.

In § 97.516, *Eligibility of participants,* Paragraph (a)(4) was corrected to show that this paragraph contains the definition of economically disadvantaged which applies to the Entitlement program.

In paragraph (g) a sentence has been added to clarify that for projects serving youth ages 19-25, the requirements of this paragraph apply to youths reaching 26 years of age.

Section 97.522 has been changed to *Maintenance of effort,* which was moved from § 97.523. A clarification has been made in the *Maintenance of effort* section to identify that § 97.720 of this Part applies to the Entitlement program.

The provisions regarding limitations on use of funds have been moved from § 97.522 to paragraphs (d) and (e) of § 97.523.

Section 97.523 has been changed to *Administrative provisions; Hearing provisions; and Limitations on use of funds.* Paragraphs (b) and (c) have been added to state that due to the Congressional intent that Entitlement must be rigorously tested, the applicability of the regulations contained in Part 98 of this title are limited to the extent that the research, demonstration, and informational requirements of this subpart do not conflict with Part 98. In such cases, the regulations of the subpart prevail.

In paragraph (d) a sentence has been added to state that the minimum paid program time guaranteed for each employed youth shall be 10 hours per week during the school year and 30 hours per week during the summer. This addition was made to maintain the Congressional intent of providing meaningful work experience to youths in the Entitlement program. This document has been prepared under the direction and control of Robert Taggart, Administrator, Office of Youth Programs.

Accordingly, Title 29 of the Code of Federal Regulations is amended as follows:

§ 94.3 [Amended]

1. In § 94.3, *Consolidated table of contents for Parts 94-99;* the table of contents for Part 97, Subpart F is revised to read as follows:

Subpart F—Youth Incentive Entitlement Pilot Projects

Sec.
97.500 Scope and purpose of subpart.
97.501 Regulations governing entitlement; definitions.
97.502 Funding of entitlement projects.
97.503 Eligibility for funds.
97.504 Entitlement project application process (general).
97.505 Entitlement project application schedule.
97.506 Submittal of preapplications.
97.507 Preapplication specifications.
97.508 Selection of final applications.
97.509 Planning grants.
97.510 Final application process.
97.511 Program operation-related documentation.
97.512 Program budget: Estimated costs.
97.513 Agreements.
97.514 Assurances and certifications.
97.515 Review of final applications; selection of projects.
97.516 Eligibility of participants.
97.517 Work sites.
97.518 Allowable activities.
97.519 Participant benefits.
97.520 Academic credit.
97.521 Disregarding earnings.
97.522 Maintenance of effort.
97.523 Administrative provisions; hearing provisions; and limitations on use of funds.

2. Subpart F of 29 CFR Part 97 is revised to read as follows:

Subpart F—Youth Incentive Entitlement Pilot Projects

Sec.
97.500 Scope and purpose of subpart.
97.501 Regulations governing entitlement; definitions.

Sec.
97.502 Funding of entitlement projects.
97.503 Eligibility for funds.
97.504 Entitlement project application process (general).
97.505 Entitlement project application schedule.
97.506 Submittal of preapplications.
97.507 Preapplication specifications.
97.508 Selection of final applications.
97.509 Planning grants.
97.510 Final application process.
97.511 Program operation-related documentation.
97.512 Program budget: Estimated costs.
97.513 Agreements.
97.514 Assurances and certifications.
97.515 Review of final applications; selection of projects.
97.516 Eligibility of participants.
97.517 Work sites.
97.518 Allowable activities.
97.519 Participant benefits.
97.520 Academic credit.
97.521 Disregarding earnings.
97.522 Maintenance of effort.
97.523 Administrative provisions; hearing provisions; and limitations on use of funds.

AUTHORITY: Sec. 702(a), Comprehensive Employment and Training Act of 1973, as amended, unless otherwise noted.

Subpart F—Youth Incentive Entitlement Pilot Projects

§ 97.500 Scope and purpose of subpart.

(a) This subpart contains the regulations governing the Youth Incentive Entitlement Pilot Projects (Entitlement Projects) under Title III, Part C, Subpart I of the Comprehensive Employment and Training Act. The Youth Incentive Entitlement Pilot Projects were established by Title II of the Youth Employment and Demonstration Projects Act (YEDPA) of 1977.

(b) The basic purpose of the Entitlement Projects is to test the experimental idea of guaranteeing jobs, or in some cases a combination of jobs and training, to economically disadvantaged youth. The program will operate only in certain prime sponsor areas, or portions of prime sponsor areas, chosen by the Department of Labor. Within those areas during the school-year, otherwise unavailable part-time employment, or a combination of part-time employment and training, will be guarantee to those economically disadvantaged youth, between the ages of 16 to 19 inclusive, who are in secondary school or who are in a program leading to a certificate of high school equivalency. In addition, in those same areas during the summer, otherwise unavailable full-time employment, or a combination of part-time employment and training, will be guaranteed to economically disadvantaged youth, between the ages of 16 to 19 inclusive, who are in a secondary school or who are in a program leading to a certificate of high school equivalency. (Sec. 325(a)).

(c) Congress mandated that the entitlement approach be rigorously tested under varying geographic, economic, and other circumstances. Because of the high cost of guaranteeing year-round jobs to all in-school disadvantaged youths, only a limited number of demonstrations can be undertaken with available funds. In order to test whether jurisdictions can feasibly implement substantial programs, only a limited number of Tier I projects will be implemented. These will cover entire jurisdictions or neighborhoods. In order to test a number of innovative approaches authorized by the Act and to get a wider geographic spread, a somewhat larger number of Tier II projects will be funded, demonstrating specific innovative entitlement approaches. These projects might cover only the area served by a particular school or small school district.

(d) To make sure that Entitlement Projects would be selected and operated as a national experiment, with the necessary flexibility to develop and test new and improved ideas, Congress did not authorize the Secretary to allocate funds to CETA prime sponsors by formula. Instead, the Secretary of Labor is required to determine how many Entitlement Projects are to be established and where they should be located.

§ 97.501 Regulations governing entitlement projects; definitions.

(a) The regulations governing Entitlement Projects shall be those in this subpart. The regulations at Part 98 of this title shall also apply to Entitlement Projects. However, to the extent a regulation in this subpart conflicts with a regulation at Part 98 of this title, the regulations in this subpart shall prevail.

(b) Definitions for terms used in this subpart may be found at § 94.4 of this title, except as stated within this subpart.

§ 97.502 Funding of entitlement projects.

(a) Of the funds available under this subpart, the Secretary shall reserve a portion of the funds for research, technical assistance, consultants, and other appropriate purposes.

(b) The Secretary shall use the remaining funds under this subpart to fund selected Entitlement Projects.

§ 97.503 Eligibility for funds.

All prime sponsors under Title I of the Act shall be eligible to apply for Entitlement Project funds.

§ 97.504 Entitlement project application process (general).

(a) The Entitlement Project application shall consist of two steps, a preapplication procedure and a final application procedure.

(b) Selected projects will be financed to operate during the 18-month period from January 1978 through June 1979. It is anticipated that youth participation will generally coincide with the start of the second (or winter) semester of the 1977-78 school year, and that project completion will generally take place at the close of the 1978-79 school year.

§ 97.505 Entitlement project application schedule.

(a) *Letter of Intent.* By September 16, 1977, it is requested that prime sponsors under Title I of the Act who plan to apply for an Entitlement Project submit a letter indicating such intent.

(b) *Preapplication.*—(1) By October 3, 1977, 5 p.m. e.d.t., preapplication submissions must be received in the ETA national office to be considered for funding.

(2) By October 26, 1977, a group of the more promising proposed Tier I and Tier II projects will be selected by the Department. Planning grants will be provided shortly thereafter.

(c) *Final Application.*—(1) By December 14, 1977, 5 p.m., e.s.t., final application submissions must be received for consideration for full funding.

(2) By January 10, 1978, projects to be funded will be selected.

(3) After January 10, 1978, project grants will be awarded for the period of January 1978 through June 1979.

§ 97.506 Submittal of preapplications.

(a) Prime sponsors planning to submit a preapplication for an Entitlement Project are requested to send a letter of such intent to the Employment and Training Administration (ETA) national office. A copy of the letter shall be sent to the appropriate Regional Administrator.

(b) The prime sponsor's preapplication is to be submitted as follows:

(1) Five copies are to be sent to the Regional Administrator of the appropriate ETA regional office (none need to have original signatures).

(2) One signed original and 14 copies are to be sent to the ETA national office.

§ 97.507 Preapplication specifications.

This section sets forth the types of information and data to be provided in the prime sponsor's preapplication. The preapplication should clearly indicate whether it is for a Tier I or Tier II project.

(a) The following information, which may be obtained from the approved Prime Sponsor Agreement, shall be provided with respect to the prime sponsor:

(1) (i) Geographic and political boundaries;

(ii) Most recent population survey data, by age, race, and sex;

(iii) Most recent data on poverty levels in the area, by age, race, and sex;

(iv) Labor force data including employment and unemployment figures by age, race, and sex; and

(v) Principal characteristics of the labor market (size of major industries, growth, trends, etc.)

(2) Information on the following items should be based on the prime sponsor's best estimates using the 1970 census and updates, the Office of Education Survey of Income and Education, and local school data.

(i) The size of the eligible youth population (16-19 years old, economically disadvantaged with no high school diploma or equivalent.)

(ii) Breakdown of the eligible youth population showing those currently in-school and out-of-school, and, for each of these groups, the total employed (part-time, full-time), unemployed, and not in the labor force.

(b) *Proposed Entitlement Area.*—(1) *General.* (i) Preapplications must identify the geographic area to be designated as the Entitlement Area. The Entitlement Area must be a discrete geographic area which can be delineated by a single set of boundaries on a map.

(ii) The Entitlement Area for Tier I projects must contain at least 3,500 and no more than 12,000 eligible youth. For Tier II projects, the Entitlement Area must include 1,500 or less eligible youth. Prime sponsors may propose to administer an Entitlement Project under Tier I in an area with more than 12,000, or under Tier II in an area with more than 1,500, eligible youth provided they promise to finance 100 percent of the extra costs.

(iii) For Tier I projects, it is preferable that the geographic boundaries of the Entitlement Area coincide with the boundaries of the public secondary school system or an identifiable subpart of that system to minimize the number of eligible youth residing in the Entitlement Area who attend public schools located outside the Entitlement Area.

(iv) In designating the Tier I Entitlement Area, prime sponsors should consider locating jobs primarily in that area, for example, by including low-residential commercial districts as part of the Entitlement Area.

(2) *Information requested.* If the Entitlement Area is different from the prime sponsor's jurisdictional area, the information requested in paragraph (a) of this section should also be submitted for the Entitlement Area.

(c) *Estimated Job Demand in the Entitlement Area.*—(1) *General.* Since employment opportunities must be provided to all eligible youth in the Entitlement Area, it is critically important to estimate the number of eligible youth who will seek jobs. The estimate must consider not only unemployed in-school youth, but those not looking for jobs who would take them if available, those who would choose in-school project jobs over possible employment alternatives, and those not currently in school who would return.

(2) *Information Requested.* Estimate, by the best available data, the number of youth who will seek entitlement jobs. Describe the estimation methodology.

(d) *Schools in Entitlement Area.*—(1) *General.* The pre-application shall describe the public and private secondary school systems attended by project eligible youth residing in the proposed Entitlement Area.

(2) *Information Requested.* For each public and private school system, provide:

(i) A description of the organization and administration of the secondary school system;

(ii) An identification of the proportion of the Entitlement Area's eligible secondary school population who are attending schools in the Entitlement Area;

(iii) A list of the names and addresses of the secondary schools (Grades 9-12) located in the Entitlement Area, and for each such secondary school:

(A) Identification of the most recent and reliable data on total pupil population, total pupil population of youths eligible for the Entitlement Project, and school dropout rates. The information on dropout rates should be as detailed as possible and describe the method by which these rates were calculated;

(B) A description of current formalized workstudy, cooperative and special career-education programs, and the numbers enrolled; and

(C) A description of notable special programs already being undertaken for economically disadvantaged youth to promote retention in, return to, and completion of school, including alternative education and programs; and

(iv) One or more maps of the proposed Entitlement Area which are marked to clearly:

(A) Delineate the geographic boundaries for each school system in the Entitlement Area;

(B) Identify the street location of each public and private secondary school in that area; and

(C) Show the attendance zone for each public secondary school.

(e) *Description of Existing Youth Programs.* Each pre-application shall:

(1) Describe the prime sponsor's existing Title I and Title II programs for the 16-19 year old youth population. The description should include funding levels and numbers of participating youth, separately calculated for each of the program activities listed below. To the extent possible, actual funding levels and numbers of youth served should be provided for Fiscal Year 1977 and planned figures for Fiscal Year 1978. Where applicable, the number of youth being served in each category should be broken out between in-school and out-of-school participants:

(i) Classroom training;

(ii) On-the-job training;

(iii) Public Service employment;

(iv) Work experience; and

(v) Summer Youth program.

(2) To the degree possible, also describe the programs to be funded and number of youth to be served under the Youth Community Conservation and Improvement Projects, and Youth Employment and Training Programs.

(3) Provide the best possible dollar estimates of CETA youth program operations in the Entitlement Area in Fiscal Year 1977 and the level in Fiscal Year 1978 not counting Entitlement funds.

(4) Describe how current CETA youth programs will complement and be integrated with the Entitlement project; and

(5) Describe any innovative or model program in the prime sponsor area which would indicate a unique capacity to fulfill responsibilities under the Entitlement Project.

(f) *Innovative Approaches*—(1) *General.* (i) Prime sponsors may test a variety of innovative employment and training approaches within the larger context of the Entitlement program. These approaches should not cover an entire Tier I project, of which the basic purpose is to test the Entitlement notion itself, but may be used as a component of Tier I projects Tier II projects should include one or more of the following innovative approaches:

(A) The use of subsidies to private for-profit employers to encourage such employers to provide employment and training opportunities;

(B) Arrangements with unions to enable eligible youth to enter into apprenticeship training as part of the employment entitlement;

(C) Inclusion of economically disadvantaged youth between the ages of 19 and 25 inclusive who have not received their high school diploma or equivalent;

(D) Inclusion of occupational and career counseling, outreach, career exploration, and on-the-job training as part of the employment entitlement;

(E) Inclusion of youth under the jursdiction of the juvenile or criminal justice system with the approval of the appopriate authorities.

(ii) The Department of Labor is especially interested in receiving proposals concerning the use of Entitlement funds to promote completion of high school by young unwed mothers.

(iii) Prime sponsors may propose to undertake other innovative approaches provided adequate justification is provided in their pre-applications.

(2) *Information Requested.* Pre-applications shall describe innovative ap-

proaches, identify how these will be implemented and administered, describe the area in which these would be implemented, and estimate the size of the eligible population that would be involved.

(g) *Project Organization and Administration*—(1) *General.* (i) Because of the size and complexity of the Entitlement Projects, a single governmental, private nonprofit, or educational agency should be designated to assume overall management responsibility for program operations, including coordinating participant recruitment, work site development, operational relationships among schools, training activities and support services, program monitoring, report preparation, and maintenance of management information. The prime sponsor may delegate this responsibility.

(ii) For the Entitlement Project, the entire youth participant payroll shall be centrally administered by the prime sponsor or its delegatee management agency. Finally, since this is a demonstration project, extensive research, monitoring, and evaluation must be carried out by the prime sponsor under the supervision of the Department of Labor.

(2) *Information Requested.* (i) Identify the responsible management agency and describe its proposed staffing structure for the Entitlement Project, its previous experience with employment and training programs, its specific capabilities for managing the Entitlement Project, and, if other than the prime sponsor, its relationship to the prime sponsor.

(ii) Indicate whether the prime sponsor or a management agency will administer the payroll and explain the rationale for the choice.

(iii) Indicate procedures which will be used for monitoring program operations.

(iv) Provide an assurance from the prime sponsor that it will cooperate fully in the design, implementation, and evaluation of the Entitlement Project.

(h) *Recruitment*—(1) *General.* The "Entitlement" concept can only be meaningfully tested if eligible youth are aware of the program. Therefore, prime sponsors shall provide information and do active outreach with respect to potential participants.

(2) *Information Requested.* The procedures for informing, referring, recruiting, and determining eligibility of participants (both in-school and out-of-school) should be detailed, including identification of the private and/or public agencies to be utilized for this purpose. Particular reference should be made to the proposed role of the State Employment Service with respect to these functions.

(i) *Work-Site Development*—(1) *General.* (i) The employment or combination of employment and training guaranteed under this program is intended to be year-round with no limitation on the period of enrollment. However, this guarantee shall not exceed 20 hours per week for each youth employed during the school year nor 40 hours per week during the summer. During the school year, the guarantee must extend for at least 6 months and during the summer for at least 8 weeks. This guarantee shall not be provided to each youth for less than 10 hours per week during the school year and not less than 30 hours per week during the summer.

(ii) The opportunities guaranteed may take any of the forms specified in Section 326 of the Act, and are guaranteed to an eligible youth only so long as the youth remains enrolled in high school or in a certified or approved high school equivalency program. Out-of-school youth must return to school or enter an equivalency program in order to be eligible for the employment guarantee.

(iii) Based on estimates of the number of eligible youth who will seek employment in the Entitlement Project, the prime sponsor should plan for a larger number of jobs as a cushion in case the estimates are too low. The concept of an entitlement must be maintained; therefore, make work jobs for unexpected numbers of applicants are not permissible. In Tier I projects, jobs must be primarily located in the Entitlement Area.

(iv) Emphasis in work site development shall be placed on jobs having careful supervision and which provide youth with structured, productive work settings. Jobs shall be designed to introduce youth to the habits of successful work life and entry level or preparatory skills. Prime sponsors should make every effort to create new and different job classifications, occupations, and restructured jobs (as defined in § 97.702(g)(1)). (Sec. 327(a)(3).)

(2) *Information Requested.* (i) The types and locations of jobs;

(ii) What phase-in, if any, would be necessary;

(iii) Anticipated work site (hiring agent) administration and supervisory structure for its role in Entitlement;

(iv) Types of hiring agencies (government, nonprofit, education institution, private); and

(v) Procedures to assure that restructured job proposals will be discussed with appropriate labor organizations, and that jobs will not be substituted for existing jobs.

(j) *Training Support Services*—(1) *General.* (i) The basic intent of Entitlement Projects is to provide employment. Training and support services, however, may be provided. For the purpose of planning, it should be assumed that a participant will spend most of paid program time (a maximum of 20 hours per week during the school year, 40 hours during the summer) engaged in direct job performance at the work site.

(ii) Any training that is conducted during paid program time should be directly related to the participant's specific work assignment.

(iii) Participants are to be paid for time spent in training in accordance with § 97.519.

(iv) Participants shall not be paid for time spent in supportive services (as defined in § 94.4(eee) of this title).

(v) Prime sponsors are discouraged from paying for staff and overhead costs for training and support services out of Entitlement funds. Prime sponsors should use funds from other sources to cover these costs.

(2) *Information Requested.* Identify and describe the nature and extent of any proposed training and services, how these will relate to the proposed jobs, and the organizations and funds that will provide them.

(k) *Entitlement Project-School Relationship.* Each pre-application shall: (1) Describe planned cooperation between public and private secondary school system officials and the prime sponsor. At a minimum, the application should include written statements from school officials indicating their agreement to:

(i) Assist in participant (including dropout) recruitment and eligibility determinations;

(ii) Cooperate in the ongoing monitoring of enrollment and academic and attendance requirements; and

(iii) Provide necessary information for effective project management and evaluation;

(2) Describe special procedures and actions that will be taken to facilitate the return of school dropouts.

(3) Identify area agencies which offer high school equivalency programs and provide agreements comparable to those described above for school systems.

(l) *Commitment of Local Institutions and Organizations.*—(1) *General.* (i) Prime sponsors shall consult with the appropriate labor organizations in developing restructured and/or newly classified jobs during the pre-application stage.

(ii) Sec. 327(a)(4)(D) of the Act also requires that prime sponsors consult and work with a number of other local institutions and organizations in planning and implementing Entitlement Projects, including law enforcement and judicial agencies, youth groups, community-based organizations, the private sector, and the State Employment Service. Arrangements should be made with all appropriate groups during the pre-application period to obtain their assistance in implementing the program.

(2) *Information Requested.* The pre-application should contain letters of intent to cooperate from appropriate labor organizations, government officials, the State Employment Service, and other local organizations, associations or agencies involved with the eligible youth population.

(m) *Data Collection Systems.*—(1) *General.* It is anticipated that the national evaluation of Entitlement Projects will rely heavily on existing CETA and school system data collection systems. Effectively operating systems, therefore, are of great importance.

(2) *Information Requested.* (i) Describe the currently operating prime sponsor data collection and processing systems, indicating whether the system is automated or manual, the types and availability of information kept on individual participants, and the typical lag-time between a participant's enrollment or status change and the availability of that information in the data system.

(ii) Describe data system reports, if any, which may be appropriate for the Entitlement program that are used for prime sponsor management purposes, but which differ from the regular reports on program and financial performance required by the CETA regulations for other CETA programs; indicate the frequency of their production.

(iii) Describe the currently operating data collection systems used by the secondary school systems in the proposed Entitlement Area with respect to student enrollment, attendance, performance and dropouts.

(n) *Budget.*—(1) *General.* Costs shall be estimated for the period January 1978, through June 1979 (or the end of the 1978-79 school year, whichever comes first). Prime sponsors should commit funds available under other programs (in particular, funds under Titles I and III of the Act) to the Entitlement Project.

(2) *Information Requested.* The pre-application shall specify separately the amount of Entitlement funds and non-Entitlement funds proposed to be used, broken down by the following cost categories:

(i) Administration:
(A) Personnel; and
(B) Nonpersonnel;
(ii) Allowances;
(iii) Wages;
(A) School year; and
(B) Summer;
(iv) Fringe benefits;
(v) Work site supervisor salaries:
(A) School year; and
(B) Summer;
(vi) Work site expenses:
(A) Equipment; and
(B) Supplies;
(vii) Training; and
(viii) Services

§ 97.508 Selection of final applicants.

(a) *Pre-Application review criteria.* (1) The following basic criteria shall be used to evaluate both Tier I and Tier II pre-applications:

(i) Quality and thoroughness of documentation required by § 97.507;

(ii) Managerial, administrative, operating, and fiscal capability of the prime sponsor and, if applicable, the designated management agency.

(iii) Level of commitment of other resources to the Entitlement Project, especially funds under Title I and Sec. 304(a) (1), (2) and (3) of the Act;

(iv) Degree to which the Entitlement project will be integrated with local education, career development, and employment and training programs for economically disadvantaged youth;

(v) Commitment of cooperation and participation from local school systems, labor organizations, and other local groups;

(vi) The prime sponsor's and, if applicable, the managing agency's previous experience in administering in-school employment programs and career education and special programs for dropouts;

(vii) Proposed total cost, unit cost, and cost structure; and

(viii) Commitment and ability to satisfy the data needs required by the research and demonstration character of the Entitlement program;

(2) The following criteria shall be used to evaluate all pre-applications but shall have greater importance for Tier I pre-applications:

(i) Estimated rate of eligible youth participation within the proposed Entitlement Area; and

(ii) Capability of proposed local worksites to provide employment and training opportunities of sufficient quantity and quality to satisfy the objectives of the Entitlement program;

(3) The following criteria shall be used to evaluate all pre-applications but shall have greater importance for Tier II pre-applications:

(i) The extent to which quality work sites are proposed which include new and different job classifications, occupations, or restructured jobs; and

(ii) The quality and feasibility of proposed innovative approaches such as those listed in Section 327(b) of the Act.

(b) Each ETA regional office shall review pre-applications submitted by prime sponsors in its region, particularly those parts of the pre-applications which deal with managerial and administrative capability and fiscal and operational effectiveness. In making this review, each regional office shall take into account the prime sponsor's past performance with respect to other CETA programs.

(c) After regional office review, the Assistant Secretary for Employment and Training may make use of an impartial Review Panel to review each pre-application and the comments of the regional offices in accordance with the criteria set forth in paragraph (a) of this section, and to make recommendations to the Assistant Secretary for Employment and Training.

(d) The Assistant Secretary will review all the pre-applications and shall select final applicants based on the criteria set forth in paragraph (a) of this section taking into account any Review Panel recommendations and/or regional office comments. The Assistant Secretary shall select final applicants from areas with different socio-economic and regional circumstances such as different unemployment rates, school dropout rates, urban and rural variations, size and other such factors designed to test the efficacy of a youth job entitlement in a variety of different locations and circumstances (Sec. 327(a)(1)). Pre-applicants not selected shall be notified in writing of their nonselection, the reasons therefor, and that further documentation on their nonselection will be made available to them on written request.

§ 97.509 Planning grants.

(a) The Assistant Secretary shall notify selected final applicants in writing of the reasons for their selection, emphasizing the particular experimental aspects of their pre-applications which the Assistant Secretary judged especially meritorious.

(b) The Assistant Secretary shall award planning grants to the final applicants so that they can develop their grant applications along the lines initially set out in the approved pre-application.

(c) If, at the time of the planning grant, or during the planning phase, the final applicant determines that it is unable to develop its final application along the authorized lines, the final applicant shall notify the Assistant Secretary in writing immediately.

§ 97.510 Final application process.

(a) By 5 p.m., e.s.t., December 14, 1977, final applicants shall submit one signed original and 14 copies of their final applications to the Assistant Secretary or to any Review Panel designated by the Assistant Secretary. Two copies shall also be sent to the appropriate Regional Administrator.

(b) Every final application shall contain, in detail, the information required by §§ 97.511-97.514.

(c) Only those prime sponsors which are selected to receive planning grants under § 97.509 shall be eligible to submit final applications.

§ 97.511 Program operation-related documentation.

Each final application shall describe:

(a) All additions, changes, and clarifications to the materials submitted in

the preapplication, especially those materials requested by ETA as a result of its review of the preapplication;

(b) (1) Which of the following groups of youth, if any, will be considered by the prime sponsor to "reside" in the Entitlement Area and therefore be eligible (if otherwise eligible) for program participation:

(i) Youths confined in prisons or other correctional institutions in the area;

(ii) Youths in area hospitals, drug rehabilitation centers, half-way houses, etc.; and

(2) How the enrollment eligibility criteria and procedures will be applied to any of these or other groups of youth in institutional "residences" selected to be included in the program. Each such institutional "residence" included in the program shall be listed and briefly described;

(c) The procedures for verification and reverification of eligibility criteria and the method by which these will be implemented, and how the eligibility criteria and verification procedures will be explained to participants at the time of enrollment;

(d) Proposed policies for defining good cause for the rejection of a job or other nonparticipation by a participant; proposed procedures and timetables for making another job offer in such cases; and proposed procedures for the resolution of grievances.

(e) In detail, proposed standards for determining satisfactory performance including policies on attendance and lateness on the job or at training, suspension and termination policies and procedures, and the procedures and staff responsibilities for monitoring program performance.

(f) And attach agreements obtained from participating schools and high school equivalency (GED) programs indicating their willingness to provide a monthly status report for each participant certifying the participant's compliance or noncompliance with the school's or GED program's minimum academic and attendance requirements, including, from each participating secondary school and GED program, a description of the standards and policies for determining its minimum academic and attendance requirements;

(g) All worksites, proposed wages, and proposed employment and training opportunities.

(h) Proposed procedures for complying with the Family Education Rights and Privacy Act; include agreements with school systems with respect to this item; and

(i) (1) Payroll, audit, and other fiscal procedures;

(2) The current prime sponsor accounting and reporting system, with attention to the requirements of this subpart; and the current system for allocating personnel charges to multiple funding sources;

(3) The system used to requisition for periodic advances or reimbursements used for existing DOL funded programs. If the system is a Letter of Credit, indicate the average number and amounts of cash requests for the last 6 months; and

(4) The fiscal organization and staffing, internal controls, and other procedures for fiscal integrity and accountability. Attach:

(i) A copy of any Management Agency's last Certified Financial Statement;

(ii) A copy of the last DOL audit of the Prime Sponsor, along with response and further documentation regarding the outcome of open items; and

(iii) Copies of payroll, accounting and financial forms relevant to the Entitlement program.

§ 97.512 Program budget: Estimated costs.

Each final application shall describe program expenses whether proposed to be paid from Entitlement, other CETA, or other funds in sufficient detail and with sufficient justification to show the basis and rationale for the estimates and calculations. All budgetary material shall be organized by four categories of expense: Program Management, Participant Costs (wages and allowances), Work Site Supervision and Expenses and Training. Each of these major categories shall be subdivided into personnel and nonpersonnel costs. With respect to each major category and subcategory, the final application shall indicate which of the estimated costs are to be paid directly by the Prime Sponsor or its designee management agency, and which are to be paid under agreements with subcontractors and vendors.

§ 97.513 Agreements.

Each final application shall include all agreements which the prime sponsor has entered into for the purpose of the Entitlement program. These agreements shall include:

(a) All wage agreements entered into pursuant to § 97.519(a);

(b) An agreement with the State Employment Service agency;

(c) Agreements with every public, private nonprofit, and private-for-profit school in the Entitlement project area which is attended by eligible youths, and, to the extent feasible and appropriate, with every such school outside the Entitlement Project area which eligible youths from the Entitlement Project area attend;

(d) Agreements with all agencies, schools, and institutions in the Entitlement Project area which will offer, under the program, courses which result in a certificate of high school equivalency, and, to the extent possible and appropriate, with similar entities outside the Entitlement Project area which are open to eligible youths from the Entitlement Project area;

(e) All on-the-job training, employment guarantee and other agreements entered into with private nonprofit and for-profit employers;

(f) Any agreements with unions with respect to apprenticeship training; and

(g) Any other agreements entered into in order to run the Entitlement program.

97.514 Assurances and certifications.

Each application shall contain an assurance that the prime sponsor, in operating its Entitlement Project, will comply with the Prime Sponsor Agreement (PSA) including assurances and Certifications in the PSA and with the following additional assurances:

(a) Compliance with Title III, Part C, Subpart 1 of the Act, with other applicable provisions of the Act, and with the regulations in this subpart; and

(b) Compliance with the Hazardous Occupations Orders issued pursuant to the Fair Labor Standards Act and set forth at 29 CFR 570.50 et seq. with respect to the employment of youths under 18 years of age.

§ 97.515 Review of final applications; Selection of Projects.

(a) The review of final applications will take into account the requirement of sec. 327(a)(1) of the Act that prime sponsors selected to operate Entitlement projects be "from areas with differing socioeconomic and regional circumstances such as differing unemployment rates, school dropout rates, urban and rural variations, size, and other such factors * * *."

(b) (1) To implement sec. 327(a)(1), the Tier I final applications shall be separated into three classifications:

(i) Classification No. 1—Metropolitan cities or counties where the Entitlement Area encompasses only a portion of one or more local political jurisdictions (units of general local government)

(ii) Classification No. 2—Non-metropolitan areas (primarily rural areas) where the Entitlement Area encompasses a number of complete local political jurisdictions (units of general local government)

(iii) Classification No. 3—Metropolitan cities or counties where the Entitlement Area encompasses one or more complete local political jurisdictions (units of general local government).

(2) Each Tier I final application shall be reviewed only in competition with others within its classification. Within each classification, each application will be ranked against the others in the classification with respect to each of the Tier I project cri-

teria described in paragraph (d) of this section.

A composite of the separate rankings with respect to each criterion shall be used to determine the final overall ranking of applications in each classification.

(c) Overall ranking will be made of all Tier II final applications using the Tier II project criteria described in paragraph (d) of this section.

(d) Final applications shall be reviewed against the following criteria. The first four criteria, equally weighted, shall be used to review Tier I projects. All five criteria, equally weighted, shall be used to review Tier II projects.

(1) *Management capability, feasibility and commitment.* This criterion will take into account:

(i) Managerial, administrative, and operating capability of the designated management agency;

(ii) Operational and management feasbility of the proposed Entitlement Area;

(iii) Commitment of cooperation and participation from local schools, GED programs, labor organizations, and other interested local groups.

(2) *Operational plans.* This criterion will take into account:

(i) Prime sponsor's estimated youth participation rate and plans for recruiting the eligible population, including procedures for verifying eligibility criteria;

(ii) Nature and quality of work sites, including proposed supervisory structure;

(iii) Procedures for review, control, and coordination of all operational components.

(3) *Financial system and program data system quality and commitment.* This criterion will take into account:

(i) Quality of procedures and systems to be used to comply with payroll, fiscal and accounting requirements;

(ii) Commitment and ability to satisfy data collection and reporting needs required by the research demonstration character of the Entitlement program.

(4) *Quality of budget and resource commitment.* This criterion will take into account:

(i) Analysis of proposed budget in terms of total cost, unit cost, and cost structure;

(ii) Level and nature of commitment of other local resources to the program, including the degree to which the Entitlement program will be integrated with existing local programs.

(5) *Innovative features.* This criterion will take into account the quality and feasibility of the innovative approaches of the Tier II Entitlement projects.

(e) Each ETA regional office shall review the final applications submitted by prime sponsors in its region to identify (1) any inaccuracies in estimates concerning planned use of other local funding resources, and (2) any mistakes of fact.

(f) The Assistant Secretary for Employment and Training may utilize a review panel to consider the Tier I and Tier II final applications, the results of onsite reviews and regional office assessments. If a panel is used, the panel shall provide rankings to the Department of Labor as described in this section, and shall make Entitlement project recommendations to the Assistant Secretary based on these rankings and the requirements of sec. 327(a)(1) of the Act.

(g) The Assistant Secretary shall make final selection of Entitlement projects on January 10, 1978, based on the specifications set forth in paragraphs (a), (b), (c), (d), and (e) of this section and on the recommendations of the panel. Final Tier I selections will include not more than two Classification No. 1 areas, one Classification No. 2 area, and two or three (depending on available resources) Classification No. 3 areas as described in paragraph (b) of this section. The number of final Tier II selections will depend on the cost of selected projects in relation to the available resources. Applicants shall be notified in writing of their selection. Those who have not been selected shall also be notified and justification for nonselection will be available upon request.

§ 97.516 Eligibility of participants.

(a) Every youth who resides in the geographic area of the Entitlement Project shall be entitled to participate in the program provided that, at the time of application and selection, the youth provides documented evidence which shows that:

(1) The youth is aged 16–19 inclusive, unless the Department has authorized the prime sponsor to administer an Entitlement Project for youths between 19 and 25 years of age inclusive;

(2) The youth has not received a high school diploma or certificate of high school equivalency;

(3) The youth has resided in the Entitlement Project area for 30 days. Newly discharged veterans however, are exempt from the 30 day residency requirement;

(4) The youth is economically disadvantaged. For purposes of this subpart, economically disadvantaged shall mean that the youth:

(i) Either constitutes a family of one, or is a member of a family,

(ii) And receives cash welfare payments under a Federal, State or local program, or whose income is at or below the poverty level as determined by the Office of Management and Budget (OMB).

For the purposes of this paragraph, a "family" is as defined in § 94.4(v) of this title, and the term "family income" is as defined in § 94.4(xxx) of this title. Family income shall be computed pursuant to § 94.4(s)(2) (i) and (ii) of this title. In the case of newly discharged veterans, income received while in military service shall be disregarded in computing family income; and

(5) The youth is:

(i) Enrolled in and attending a State-certified secondary school program leading to a high school diploma, or enrolled in such a program scheduled to begin within 30 days of the Youth's Entitlement program enrollment; or

(ii) Enrolled in and attending a certified or approved program leading to a certificate of high school equivalency (GED), or enrolled in such a program scheduled to begin within 30 days of the Youth's Entitlement program enrollment.

(b) If the youth is under the juvenile or criminal justice system, the appropriate authorities must approve the youth's participation or continued participation in writing.

(c) The citizenship provisions of § 95.32(d) of this title shall apply to the Entitlement program.

(d) (1) No otherwise eligible youth shall be excluded from participation because of any mental or physical handicap unless a qualified physician or psychologist certifies that the youth is mentally or physically incapable of obtaining a high school diploma or certificate of high school equivalency.

(2) All otherwise eligible mentally or physically handicapped youths, who are not certified as provided in paragraph (d)(1) of this section, are entitled to participate in the program. The prime sponsor must take every step necessary to insure that such youths can participate. The prime sponsor may not segregate such youths from regular program activities, but must redesign these activities to ensure participation.

(e) Section 327(a)(4)(I) of the Act prohibits a youth from taking a job under this subpart if his or her relative has responsibility for hiring persons into that job. Therefore, prime sponsors shall assure that eligible youths are not placed in jobs by their relatives.

(f) Since jobs during the school year must last at least 6 months, and jobs in the summer must last at least 8 weeks, no youth may be enrolled in the program if the grant will end before the youth can complete the required period of employment. No youths may be enrolled in the program after December 31, 1978.

(g) A participant reaching 20 years of age while in the program may remain in the program only until the

participant completes either 8 weeks of full-time summer employment or 6 months part-time school-year employment. If upon reaching the 20th birthday the participant has already completed either 8 weeks of full-time summer employment or 6 months of part-time school-year employment, the participant shall be immediately terminated from the program. For projects that are serving youth 19-25, this requirement applies to youth reaching 26 years of age.

(h) A participant must continue to be economically disadvantaged as defined in § 97.516(a)(4) and to reside within the Entitlement Area or be terminated from the program. The prime sponsor shall re-verify participant economically disadvantaged status and residency after every 6 months of enrollment. In re-verifying economically disadvantaged status, however, wages and allowances received under the Entitlement program shall not be included when computing family income.

(i) A participant must meet minimum academic and attendance requirements of the secondary school or high school equivalency program in which the participant is enrolled or be terminated from the Entitlement program. The secondary school or GED program must provide monthly assurances that the participant is meeting minimum academic and attendance requirements.

(j) A participant who receives a high school diploma or a certificate of high school equivalency while in the program may remain in the program until the completion of either 8 weeks of full-time summer employment or 6 months of part-time school-year employment.

(k) A participant who has been found by the prime sponsor, after notice and an opportunity for a hearing, to have refused a job or to be otherwise refusing to participate in the program without good cause, shall be terminated from the program. The participant shall be given a termination notice which states that the participant may appeal the termination to the appropriate ETA regional office. Upon receipt of such an appeal the regional office shall process it as a formal allegation pursuant to Part 98 of this title.

(l) Any participant who has been terminated from the Entitlement program may re-enroll at any time provided the participant meets the eligibility criteria in this section, except that participants who have been terminated for failure to participate without good cause must wait 60 days before they may apply for re-enrollment.

§ 97.517 Work sites.

(a) Work sites shall:

(1) Not detract from or interfere with the educational curriculum of the participants and, whenever possible, shall complement that curriculum;

(2) Be primarily in the Entitlement Area or easily accessible, and in reasonable proximity to the residences of eligible youth;

(4) Maintain a cooperative relationship with local business, union and community group interests;

(5) Provide monitorable attendance and productivity standards, and capable on-site supervision; and

(6) Be developed and committed in such numbers and in such a way as to minimize the time between enrollment and assignment to a work site of any participant.

(b) Participants shall spend a majority of paid program time on the work site engaged in direct job performance. Training may be provided during the remaining time, provided the training is directly related to the specific work assignment.

§ 97.518 Allowable activities.

The Entitlement project may include any type of employment or training activity authorized under Title I of the Act.

§ 97.519 Participant benefits.

(a) The wage provisions of § 97.718 shall apply to the Entitlement program. In addition:

(1) In Entitlement projects in which the subsidization of private-for-profit employers is authorized, up to 100 percent of the wages may be paid. However, in the case of participants working at jobs and/or engaged in training provided by private-for-profit organizations, wages (and/or allowances) shall be paid, as in all cases, by the central payroll facility required by § 97.507(g)(1)(ii). No additional subsidies shall be provided by the Entitlement program to any such for-profit organization.

(2) Each participant shall spend the majority of his/her paid time in the Entitlement program in either work or training which is directly related to the assignment. Consequently, participants should be paid wages for both work time and training time, except when more than 50 percent of scheduled program time is spent in training. In such cases, allowances shall be paid in accordance with § 95.34 of this title for the period spent in training.

(b) Each participant, while in on-the-job training, work experience, or public service employment, shall be assured of the general benefits and working conditions for program participants required by § 98.24 of this title.

(c) No funds under the Entitlement program may be used for retirement benefits or costs.

§ 97.520 Academic credit.

Prime sponsors shall make appropriate efforts to encourage educational agencies to award academic credit for the competencies participants gain in the Entitlement program.

§ 97.521 Disregarding earnings.

The provisions of § 97.630 of this Part shall apply to the Entitlement program.

§ 97.522 Maintenance of effort.

The provisions of §§ 97.719 and 97.720 shall apply to the Entitlement program.

§ 97.523 Administrative provisions; hearing provisions; and limitations on use of funds.

(a) All the provisions of Part 98 of this title shall apply to the Entitlement program except to the extent they conflict with the regulations in this subpart.

(b) to the extent that the research, demonstration, and informational requirements of this subpart conflict with the regulations contained in Subpart 98, the regulations in this subpart shall prevail. In order to determine whether a conflict exists, grantees shall consider both the regulations in this subpart and the terms of the Entitlement grants which implement the regulations in this subpart. For example, the regulations throughout this subpart contain requirements that the grantee submit detailed information not required by the regulations in Part 98. Because of the research and demonstration nature of the Entitlement program such information is essential. As a result, the Entitlement grants, which implement the regulations contained in this subpart, contain reporting and other requirements which are both different from and more detailed than those in Part 98. In such cases, the grantees shall follow the Entitlement grant requirements. Other specific examples of such conflicts are as follows:

(1) Since under the regulations in this subpart, the Entitlement program is administered by the national office, the terms regional office and Regional Administrator in Subparts A and B of Part 98, should be interpreted to mean national office and Grant Officer; and

(2) To the extent that Entitlement grants require the use of categories for allocating costs for reporting purposes which are different from or more detailed than the allocable cost categories in § 98.12 of this title, the grantee shall allocate costs pursuant to the categories in the Entitlement grant.

(c) Questions regarding the applicability of specific provisions of Part 98 which may appear to conflict with the regulations or grant shall be addressed to the Grant Officer.

(d) No funds under the Entitlement program may be used to pay for time spent in the Entitlement program in excess of 20 hours a week during the

school year or 40 hours per week during the summer. The minimum paid program time guaranteed for each employed youth shall be 10 hours per week.

(e) Prime sponsors may use program funds under both Title I and sec. 304(a)(3) of the Act for the Entitlement Project. Funds under sections 304(a)(1) and 304 (a)(2) of the Act may also be used provided modifications are obtained for those grants. Funds received under Section 304 shall be integrated with funds received under this subpart. Therefore, the regulations under this subpart shall apply to such funds. Title I funds, however, may not be integrated, but must be separately accounted for. The Title I regulations shall apply to such funds. This, for example, Entitlement Project wages and allowances paid for with Title I funds, shall be paid at the wage rates and allowance rates set forth in the Title I regulations. Also, for example, only 20 percent of the Title I funds used for the Entitlement project may be spent for administration.

(c) Questions regarding the applicability of specific provisions of Part 98 which may appear to conflict with the regulations or grant shall be addressed to the Grant Officer.

(d) No funds under the Entitlement program may be used to pay for time spent in the Entitlement program in excess of 20 hours a week during the school year or 40 hours per week during the summer. The minimum paid program time guaranteed for each employed youth shall be 10 hours per week during the school year and 30 hours per week during the summer.

(e) Prime sponsors may use program funds under both Title I and sec. 304(a)(3) of the Act for the Entitlement Project. Funds under sections 304(a)(1) and 304(a)(2) of the Act may also be used provided modifications are obtained for those grants. Funds received under section 304 shall be integrated with funds received under this subpart. Therefore, the regulations under this subpart shall apply to such funds. Title I funds, however, may not be integrated, but must be separately accounted for. The Title I regulations shall apply to such funds. Thus, for example, Entitlement Project wages and allowances paid for with title I funds, shall be paid at the wage rates and allowance rates set forth in the Title I regulations. Also, for example, only 20 percent of the Title I funds used for the Entitlement project may be spent for administration.

Signed at Washington, D.C., this 18th day of May 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc. 78-14949 Filed 5-26-78; 8:45 am]

federal register

TUESDAY, MAY 30, 1978
PART VII

DEPARTMENT OF LABOR

Mine Safety and Health Administration

■

FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

Civil Penalties for Violations

[4510-43]

Title 30—Mineral Resources

CHAPTER I—MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER P—CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

PART 100—CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

Final Rule

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: These rules govern the proposed assessment of civil penalties against operators of coal and other (metal and nonmetal) mines by the Mine Safety and Health Administration under the Federal Mine Safety and Health Act of 1977. The rule includes both the guidelines to be used by MSHA in determining the amount of the proposed penalty and the procedures to be followed in issuing and contesting the proposed penalty.

EFFECTIVE DATE: May 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Madison McCulloch, Acting Director, Office of Assessments, Mine Safety and Health Administration, Room 914, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203, phone: 703-235-1484.

SUPPLEMENTARY INFORMATION:

BACKGROUND INFORMATION

On March 3, 1978, the Secretary of Labor published in the FEDERAL REGISTER (43 FR 9120) proposed rules governing the proposed assessment of civil penalties under the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173, as amended by Pub. L. 95-164 (Act). Interested persons were given a period of 30 days within which to submit written comments, data, views or arguments.

As a result of requests, the comment period was extended until May 3, 1978 (43 FR 14691). Comments were received from a large number of individuals and organizations. The comments are discussed below.

DISCUSSION OF COMMENTS AND CHANGES

1. *General discussion.* In proposing the rules relating to civil penalties, the Secretary was guided by a few basic principles or assumptions. First, the "formula system", which was developed in 1974 and put into effect at that time, has proven to be an extremely effective tool for the assessment and collection of civil penalties under the Federal Coal Mine Health and Safety Act of 1969 (Coal Act). It has also been widely accepted by the coal industry as a fair method of carrying out the general requirements of that Act that civil penalties be assessed for all violations of that Act and that the maximum penalty be $10,000. The dramatic increase in the collection of civil penalties since the inception of the formula system is evidence of its success. In enacting the 1977 Act, Congress encouraged the continued use of the formula system. An additional principle or assumption was that while Congress did not want excessive penalties levied against noncoal operators, it also was concerned that, as a whole, penalties were too low to be an effective deterrent of unsafe or unhealthful conditions or practices.

It is also believed that, to the extent possible, penalties against a metal and nonmetal mine operator should be equal to those assessed against a coal operator where the same type of violation is involved. At the same time, however, since there has been no experience in levying fines against metal and nonmetal mine operators, it is likely that no formula would be completely successful in achieving this result and modifications might have to be made as experience is gained.

It was stated in the preamble to the proposed rule that no Economic Impact Statement under Executive Order 11821, as amended, was required with respect to the proposal. Several commenters protested this finding. The amount of penalties collected during calendar year 1977 by the Office of Assessments was $12.8 million under the Coal Act. It was estimated that the proposed rules would result in an overall doubling of proposed penalties, which would amount to an annual impact of an additional $12.8 million on the coal mining industry, assuming the current payment experience were to be maintained. With respect to the metal and nonmetal mining industries, the total annual impact of the proposed rule would be between $20-25 million, although it is difficult to predict the level of compliance under the new law. Thus, the anticipated economic impact of these rules falls below the Departmental criteria for the preparation of an Economic Impact Statement.

There were several requests for a public hearing with respect to the proposed rules. The comments received concerning proposed Part 100 were in most cases very detailed and thorough. The 60-day comment period has provided a sufficient time for response by all segments of the mining industry on this important area. The Secretary has had to weigh the potential additional advantages of holding a public hearing against the need to begin to implement the penalty assessment process. To hold a public hearing would add at least 60 days to the rulemaking process. Congress was especially insistent that there be as little delay as possible between the issuance of a citation or order and the assessment of a penalty. The Mine Safety and Health Administration (MSHA) has been issuing citations since March 9, 1978, and until rules are adopted for the assessment of civil penalties, MSHA is unable to make proposed assessments and the inventory of cases which must be handled will continue to grow. Therefore, on balance, the Secretary has decided not to hold a public hearing.

2. *Section 100.2.* It was suggested that the reference to "determinations" of "liability" be omitted from this section since the Office of Assessments in MSHA only proposes penalties. This is true, and section 100.2 has been modified to reflect this suggestion.

3. *Section 100.3(b).* There were several comments which criticized the use of the size of the operator's business as a criterion for determining the amount of the proposed penalty. The Act specifically requires that this factor be considered in arriving at penalty amounts. Making this factor a part of the formula itself is appropriate to ensure the greatest degree of consistency in its application.

Under the Coal Act regulations, any coal mine producing less than 50,000 tons annually would be given zero points for size. Twenty-five percent of assessments were against mines that fell in this category. The proposed rule would give zero points for size only to those mines with an annual production of less than 15,000 tons. The resultant increase in points assessed at each size level was criticized. However, the Secretary believes that it is important for the size scale to be an accurate reflection of the coal industry in terms of the number of mines affected at each level of the scale. This is the most equitable method of carrying out Congress' mandate to consider size in determining the amount of the proposed penalty. The proposed changes are therefore adopted in the final rule.

Commenters recommended that the basis for determining mine size be the same for both coal and metal and nonmetal mines. In the long run, "hours worked" is probably the appropriate basis for determining size and as experience is gained under these rules, a conversion will be proposed. It is believed, however, that until MSHA has established an adequate information base for both coal and noncoal industries, the proposed rule, which is adopted as the final rule, will result in

approximately equivalent points being assessed against the same size mines in both the coal and noncoal industries.

Some commenters stated that evaluations of size should not be equalized between coal and noncoal operators, since there is such a great disparity between the price of a ton of coal and, for example, the price of a ton of aggregate. However, since the primary goal of the Act is to protect worker safety and health, the critical element in determining size should be worker exposure rather than the price of the product or profitability of the business.

There were also inquiries concerning the application of the size criterion to independent contractors that are considered to be mine operators under the Act. Contractors should be assessed based upon hours worked and once MSHA accumulates sufficient information relating to their activities at mine sites, necessary changes in the formula will be proposed. Until that time, contractors will be assessed under the special assessment provisions of the rule. In taking this approach, MSHA will make every effort to ensure that assessments against contractors are equivalent to those against other coal and noncoal operators.

It was suggested that the term "annual hours worked at mine" be clarified to indicate more specifically which categories of worker hours should be included. "Annual hours worked" is intended to include hours of production workers in the mine or mill and maintenance workers in those areas, and is not intended to include office and clerical workers. The intent is to correlate mine size to worker exposure.

There were several comments which criticized the use of the size of the "controlling company" as a factor in the penalty formula. However, Congress specifically required that the size not merely of the particular mine involved in the violation but the size of the operator's "business" be taken into account. Since the primary purpose of imposing civil penalties is to induce compliance with the Act and health and safety standards, penalties must be of a sufficient magnitude to provide such an inducement. It is necessary to recognize that business judgments affecting health and safety may be made at various levels of a business structure and that penalties must be such as to encourage management at all levels to respond positively to health and safety concerns.

Commenters asked whether a company which was assessed a penalty for a violation in a noncoal mine would be given points based only upon the hours worked in its other noncoal mines or whether hours worked in any coal mines which the company might operate would be counted as well. For violations in metal and nonmetal mines, points for company size will be based only upon the company's metal and nonmetal mining interests.

4. *Section 100.3(c).* It was contended by some commenters that applying the same scale for number of violations per inspection day in both coal and noncoal mines would be prejudicial to noncoal operators because those mines have been inspected less frequently than coal mines and therefore receive, on the average, more violations per inspection day. This might be the result if the prior statutes were still in effect. However, inspection rates will be the same under the new Act and the development of a history of violations for metal and nonmetal mines under the new Act will begin from March 9, 1978, the Act's effective date.

It should also be clarified, in response to comments, that the history of previous violations is derived from the particular mine that has been cited rather than from the controlling company.

Commenters suggested that rather than having a scale based solely on the number of violations assessed, MSHA should take into account, for example, whether certain types of violations occur repeatedly or certain types of violations occur in combination. Congress was concerned about these considerations and in enacting the Act retained the special sanctions which had been applicable to "unwarrantable failures" under the Coal Act. In addition, Congress added a provision applying the same types of special sanctions to "patterns of violations." Since these unique provisions will be assessed under the special assessments provision (§ 100.4), the proposed scale relating to history of violations is adopted in the final rule.

It was recommended by some commenters that the basis for determining which violations would be included in history of violations under the proposed rule, i.e., "violations presently assessed that have not been vacated or dismissed," be changed to include only "violations finally assessed." Waiting for a final determination with respect to each penalty would create too great a "lag" in compiling the history at a particular mine. This lag might be justified if there were a significant difference between the number of violations initially assessed and the number finally assessed. However, less than one percent of proposed assessments are ultimately dismissed or vacated. It should also be pointed out that if a violation is ultimately dismissed or vacated, the history for that operator will be changed to reflect that determination.

5. *Section 100.3(d).* The most frequent comments concerning the negligence scale were directed toward the proposed changes in the dividing line between ordinary negligence and gross negligence. The negligence criterion is of the utmost importance in determining the amount of a penalty. Experience under the Coal Act has demonstrated that the vast majority of cases are assessed points for ordinary negligence. This is as it should be since a finding of gross negligence must be based upon reckless or intentional conduct which should occur in relatively few cases. At the same time, over 85 percent of the total number of cases under the Coal Act receive between 9 and 12 points on the scale. Two conclusions emerge. First, there needs to be more flexibility in the assessment of points for ordinary negligence since the vast majority of cases are compressed into the top 3 points of the ordinary negligence range. Second, there is little justification for providing an equal degree of flexibility with respect to a finding of gross negligence, which is only found in six percent of the cases. In addition, the seriousness of a finding of gross negligence is emphasized by raising the minimum mumber of points associated with it. Therefore, the proposed rule is adopted.

Commenters also stated that the criteria contained in the proposed rules defining what is meant by "gross" and "ordinary" negligence are too vague and that inconsistencies in application will result, particularly if more flexibility is provided in the determination of ordinary negligence. To date, application of this criterion under the Coal Act has resulted in relatively few problems of this nature. Furthermore, subjective criteria, such as negligence, are not amenable to precise definition.

It was suggested that any fatality which is found to be due to gross negligence should be assessed the maximum penalty. All fatalities are removed from the formula system and are assessed by special assessment. It is likely in most cases that any fatality which resulted from a violation which occurred due to gross negligence would be assessed at or near the maximum amount.

6. *Section 100.3(e).* It was suggested that the points be increased for the scales relating to probability of occurrence and gravity of injury or illness normally expected. Since the gravity criterion already accounts for a total of 30 points, and is the most significant criterion in terms of the potential points accumulated, adding more points would tend to underemphasize the relative importance of the other criteria which the Act requires to be applied.

Commenters suggested that the definition of "probable" should be changed to mean "that which is more likely to occur than not." This would require the addition of a fourth cate-

gory to fill the gap that would be left between "improbable" and "probable." This suggestion would not, therefore, result in a net improvement in the formula.

Commenters also stated their belief that the definitions of the various key terms used in this section are not specific enough to prevent arbitrary and inconsistent judgments from being made. The question of "gravity" inherently calls for an element of subjectiveness. More elaborate criteria would not eliminate this element.

7. *Section 100.3(f).* Commenters suggested that a greater number of negative points be made available for rapid compliance. Since the basic purpose of civil penalties is to deter future violations, it would not be appropriate to put further emphasis upon the correction of the condition once the violation has already been committed. However, more flexibility should be provided in assessing points for compliance efforts. The fact that the point differential under the proposed regulations (and under the current Coal Act rules) is so great between normal compliance and rapid compliance or lack of good faith makes it extremely likely that an assessment officer will award zero points. Statistically, normal compliance under the Coal Act, or zero points, is achieved in 95 percent of the cases. Under the Coal Act, slightly over two percent of the cases are assessed positive points for noncompliance and slightly under three percent are awarded negative points for rapid compliance. It is realistic to assume that while most efforts to achieve compliance will not be "extraordinary," many operators do make special efforts to achieve compliance. By the same token, however, an operator who is somewhat dilatory, although not truly acting in bad faith, should not be given credit for normal compliance. Consequently, the final rules will permit the assessment of from minus one to minus ten points for rapid compliance, which is redefined to include less than "extraordinary measures," and from plus one to plus ten points for lack of good faith.

8. *Section 100.3(g).* The penalty table was criticized as being "skewed" in the sense that in order to be assessed $5,000, which is only half of the statutory maximum, it would be necessary to accumulate 91 points, which rarely occurs given the way the formula is constructed. If the application of the formula were the only mechanism for the assessment of penalties, this criticism would be well-founded. However, the formula system is not applied to certain types of cases, including fatalities and serious injuries, unwarrantable failures, patterns of violations and operating a mine in the face of a closure order. These cases, and others, are assessed by way of a special assessment. Since they generally constitute the more serious violations, special assessment cases have been, on the average, assessed at between $3,500 and $4,500 under the Coal Act. The average formula assessment has been approximately $125. MSHA believes the use of the special assesssment provision is responsive to criticisms of the penalty table.

MSHA acknowledges that the proposed formula system is not a perfect one and that improvements can be made. However, rather than attempt to make piecemeal revisions based upon inadequate experience under the new Act at this time, MSHA will adopt the proposed rule as a final rule, with the changes noted, and will seriously consider the need for a revamped penalty assessment formula once there has been some experience under this system.

9. *Section 100.4.* It was requested that a more complete list of the types of cases subject to the special assessments provision be included. This has been done.

Commenters believed that unwarrentable failure should not be a part of the special assessment system, since they are not really special "types" of violations and may involve only ordinary negligence. When the special assessment concept was first utilized, unwarrantable failures were always given special assessments. However, recent case law has construed the term broadly, and these cases will, therefore, be handled in a flexible manner. Where appropriate, an unwarrantable failure case which is initially referred for a special assessment may be "pulled out" of that status upon review and given an assessment under the formula.

10. *Section 100.5.* Commenters believed that seven days is an inadequate period within which to request a conference. MSHA acknowledges that this is a brief period for an operator to determine what action to take with respect to a particular case and then to respond accordingly. However, Congress expressed deep concern over what it perceived to be an unjustifiably protracted assessment process. Since it is to everyone's benefit that an operator be given sufficient time to make an intelligent assessment of the initial review, the final rule gives a 10 day period to request and a 33 day period to hold a conference. MSHA cannot permit more time without ignoring the congressional mandate to expedite the process. It may be incumbent upon operators to begin reviewing violations at the time of citation or abatement rather than at the time of assessment in order to have ample time to determine which course of action to take. It should also be made clear that a request for a conference may be made by phone.

It was also commented that service of the initial review should include a return receipt in order to avoid questions over whether a request for a conference was made within 7 days of "receipt" of the initial review. MSHA does not foresee that problems of this nature will arise except in rare instances. In questionable cases, the benefit of the doubt will generally be given to the person claiming compliance with the rule.

Confusion was expressed over the role of the representative of miners in the conference process. Paragraph (c) has been changed to clarify that the representative must indicate on the return mailing card included with the initial review whether he wants either to ask for a conference or be notified about any conference that might be held at the request of the operator. There will be separate spaces on the card go "check off" which option the representative chooses. If the miners' representative wishes to participate in a conference requested by an operator and indicates this on the card, MSHA will notify the representative of the time and place of the conference.

Commenters criticized the fact that under the proposed rules, the ultimate decision of whether or not to conduct a conference and of the type of conference to be conducted would be left to MSHA. If it were possible, MSHA would conduct a conference in all cases in which a request was received. However, it is not feasible from a resource standpoint for MSHA to hold conferences in each case, considering both the new time limitations contained in the rule and the anticipated increase in the total number of requests under the new law. The mining community can be assured that MSHA will conduct as many conferences as its limited resources will permit within the time constraints of the rule. In addition, if a request for a conference is denied, the requesting part will be apprised of the reasons for denying the request.

DRAFTING INFORMATION

The principal persons responsible for the preparation of this final rule are: Frank A. White, Office of Standards, Regulations and Variances, MSHA, and Madison McCulloch, Acting Director, Office of Assessments, MSHA.

Dates: May 23, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

1. The table of contents of Chapter I of 30 CFR is revised by removing Part 100 from Subchapter O and transferring it to a new Subchapter P as follows:

SUBCHAPTER P—CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

Part
100 Civil penalties for violations of the Federal Mine Safety and Health Act of 1977.

2. Part 100 is removed from Subchapter O and transferred to a new Subchapter P, and Part 100 is revised as follows:

Sec.
100.1 Scope and purpose.
100.2 Applicability.
100.3 Determination of penalty; regular assessment.
100.4 Determination of penalty amount; special assessment.
100.5 Procedures for assessment of civil penalties; initial review and conferences.
100.6 Issuance of notice of proposed penalty; notice of contest.
100.7 Service.

AUTHORITY: Secs. 105, 110, 508 of the Federal Mine Safety and Health Act of 1977 (Pub. L. 91-173, as amended by Pub. L. 95-164), and sec. 307 of the Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. 95-164).

§100.1 Scope and purpose.

This part sets forth the criteria and proeedures for the proposed assessment of civil penalties under sections 105 and 110 of the Federal Mine Safety and Health Act of 1977. It is the purpose of these rules to provide for the prompt and efficent proposal and collection of penalties in order to insure maximum compliance by the coal and metal/nonmetal mining industries with the requirements of the Act and the standards and regulations promulgated pursuant to the Act.

§100.2 Applicability.

The criteria and procedures contained in this part are applicable with respect to all initial reviews and proposed assessments issued on or after (the effective date of these regulations). The Office of Assessments, Mine Safety and Health Administration, United States Department of Labor, shall review each citation and order and shall make proposed assessments of civil penalties pursuant to this part.

§100.3 Determination of penalty amount; regular assessment.

(a) *Generally.* The amount of the civil penalty imposed in a regular case shall be based upon the formula set forth in this section. The formula is based on the general criteria described in sections 105(b) and 110(i) of the Act. These criteria are as follows:

(1) The appropriateness of the penalty to the size of the business of the operator charged,

(2) The operator's history of previous violations,

(3) Whether the operator was negligent,

(4) The gravity of the violation,

(5) The demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation, and

(6) The effect of the penalty on the operator's ability to continue in business.

The penalty amount in a regular case shall be determined by first assigning the appropriate number of penalty points to the violation for each of the criteria by utilizing the schedules set forth in paragraphs (b) through (f) of this section. The number of penalty points assigned for all criteria will then be totalled. This total point accumulation will be converted into a penalty amount by using the penalty conversion table in paragraph (g) of this section.

(b) *The appropriateness of the penalty to the size of the operator's business.* The appropriateness of the penalty to the size of the operator's business is calculated on both the size of the mine cited and the size of the controlling company of which the mine is a part and may account for a maximum of 15 penalty points. The size of the mine is taken into account by selecting the appropriate number of penalty points from the table contained in subparagraph (1)(i) in the case of a coal mine or (1)(ii) in the case of a non-coal mine. The size of the controlling company is taken into account by selecting the appropriate number of penalty points from the table contained in subparagraph (2)(i) in the case of a coal mine or (2)(ii) in the case of a non-coal mine.

(1)(i) Size of coal mine.

Annual tonnage of mine:	Penalty points
Under 15,000	0
Over 15,000 to 30,000	1
Over 30,000 to 50,000	2
Over 50,000 to 100,000	3
Over 100,000 to 200,000	4
Over 200,000 to 300,000	5
Over 300,000 to 500,000	6
Over 500,000 to 800,000	7
Over 800,000 to 1.1 million	8
Over 1.1 million to 2 million	9
Over 2 million	10

(1)(ii) Size of non-coal mine.

Annual hours worked at mine:	Penalty points
Under 10,000	0
Over 10,000 to 20,000	1
Over 20,000 to 30,000	2
Over 30,000 to 60,000	3
Over 60,000 to 100,000	4
Over 100,000 to 200,000	5
Over 200,000 to 300,000	6
Over 300,000 to 500,000	7
Over 500,000 to 700,000	8
Over 700,000 to 1 million	9
Over 1 million	10

(2)(i) Size of controlling company—coal mine.

Annual tonnage of controlling company—coal mine:	Penalty points
Under 100,000	0
Over 100,000 to 700,000	1
Over 700,000 to 1.5 million	2
Over 1.5 million to 5 million	3
Annual tonnage of controlling company—coal mine—Continued:	
Over 5 million to 10 million	4
Over 10 million	5

(2)(ii) Size of controlling company—non-coal mine:

Annual hours worked—controlling company—non-coal mines:	Penalty points
Under 60,000	0
Over 60,000 to 400,000	1
Over 400,000 to 900,000	2
Over 900,000 to 3 million	3
Over 3 million to 6 million	4
Over 6 million	5

As used in subparagraphs (1) and (2) of this paragraph the terms "annual tonnage" and "annual hours worked" means tonnage produced and hours worked in the previous calendar year or in the case of a mine opened or owned less than one full calendar year the tonnage and hours worked prorated to an annual basis.

(c) *History of previous violations.* The history of previous violations of the Act may account for a maximum of 20 penalty points, which are derived from the following schedules:

(1) Average number of violations assessed per year in the preceding 24 months:

Number of violations:	Penalty points
1 to 10	0
11 to 20	1
21 to 30	2
31 to 40	3
41 to 50	4
Over 50	5

(2) Average number of violations assessed per inspection day in the preceding 24 months:

Violations per inspection day:	Penalty points
Under 0.3	0
Over 0.3 to 0.4	1
Over 0.4 to 0.5	2
Over 0.5 to 0.6	3
Over 0.6 to 0.7	4
Over 0.7 to 0.8	5
Over 0.8 to 0.9	6
Over 0.9 to 1.0	7
Over 1.0 to 1.1	8
Over 1.1 to 1.2	9
Over 1.2 to 1.3	10
Over 1.3 to 1.4	11
Over 1.4 to 1.5	12
Over 1.5 to 1.6	13
Over 1.6 to 1.7	14
Over 1.7	15

Previous History means all violations presently assessed that have not been vacated or dismissed.

(d) *Negligence.* Negligence generally means committed or omitted conduct which falls below a standard of care established by law to protect persons against the risks of harm. The standard of care established under the Act is that the operator of a mine owes a high degree of care to the miners employed in that mine. A mine operator is required to be on the alert for conditions and hazards in the mine which affect the safety or health of the employees and to take the steps necessary to correct or prevent such conditions or practices. For purposes of assessing a penalty under this part, fail-

ure to do so is negligence on the part of the operator. This criterion may account for a maximum of 25 penalty points and the violation will be categorized as involving either no negligence, ordinary negligence, or gross negligence. A violations which occurs through no negligence of the operator will be assigned no penalty points for negligence. A violation which occurs through ordinary negligence of the operator will be assigned from 1 to 20 points depending on the specific facts involved. A violation which occurs through gross negligence of the operator will be assigned 21 through 25 penalty points depending on the specific facts involved. In determining the degree of negligence involved in a violation and the amount of penalty points to be assessed, the following definitions apply:

(1) "No Negligence" means that the operator could not reasonably have known of the violation or under the circumstances the operator had taken reasonable precautions to prevent the violation.

(2) "Ordinary Negligence" means the operator failed to exercise reasonable care either to prevent or to correct the conditions or practices which caused the violation and which were known or should have been known to exist.

(3) "Gross Negligence" means an operator either caused the condition or practice which occasioned the violation by exercising reckless disregard of mandatory health and safety standards or recklessly or deliberately failed to correct an unsafe condition or practice which was known to exist.

(e) *Gravity.* This criterion may contribute a maximum of 30 penalty points. The points will be derived from the following schedules:

(1) Probability of the occurrence of the event against which a standard is directed may account for a maximum total of 10 penalty points using the listed definitions and schedules.

Probability of occurrence:	*Penalty points*
Improbable	0
Probable	3
Imminent	7
Occurred	10

As used in this paragraph the following terms have the following meanings:

Improbable: That which is unlikely to happen.

Probable: That which is likely to occur.

Imminent: That which is likely to occur before the violation can be abated.

(2) Gravity of injury if it occurred or were to occur, using the listed definitions and the following schedule, may account for a maximum of 10 penalty points:

Gravity of injury or illness normally expected:	*Penalty points*
No lost work days	0
Lost work days or restricted duty	3
Permanent disabling	7
Fatal	10

Types of injury or illness expected if the event caused or could cause injury or illness are defined as follows:

No lost work days: All occupational injuries and illnesses as defined in 30 CFR Part 50 except those listed below.

Lost work days: Any injury or illness which would cause the injured or ill person to lose one full day of work or more after the day of the injury or illness, or which would cause one full day or more or restricted duty.

Permanent disabling: Any injury or illness which results in the total or partial loss of use of any member or function of the body.

Fatal: Any work-related injury or illness resulting in death, or which has a reasonable potential to cause death.

(3) Number of personnel affected if event occurred or were to occur:

Number of persons affected:	*Penalty points*
0	0
1	1
2	2
3	4
4 to 5	6
6 to 9	8
More than 9	10

(f) *Demonstrated good faith of the operator charged in attempting to achieve rapid compliance.* This criterion awards negative points for a manifestly conscientious effort to achieve rapid compliance, and can contribute a maximum of 10 points as indicated in the following schedule and definitions:

Degree of good faith:	*Penalty points*
Rapid	−10 to −1
Normal	0
Lack of good faith	1 to 10

In determining the operator's good faith in attempting to achieve rapid compliance, the following definitions apply:

"Rapid Compliance" means there is demonstrated evidence that the operator has made special efforts to insure abatement of the violation within the time given for abatement either originally or as extended.

"Normal Compliance" means the operator has abated the violation within the time given for abatement either originally or as extended.

"Lack of Good Faith" means the operator has been untimely and has not shown diligence and effort in attempting to abate the violation.

(g) *Penalty conversion table.* The penalty conversion table shall be used to convert the accumulation of penalty points to the appropriate assessment.

Penalty conversion table

Points	Penalty
1	$2
2	4
3	6
4	8
5	10
6	12
7	14
8	16
9	18
10	20
11	22
12	24
13	26
14	28
15	30
16	32
17	34
18	36
19	38
20	40
21	44
22	48
23	52
24	56
25	60
26	66
27	72
28	78
29	84
30	90
31	98
32	106
33	114
34	122
35	130
36	140
37	150
38	160
39	170
40	180
41	195
42	210
43	225
44	240
45	255
46	275
47	295
48	305
49	325
50	345
51	370
52	395
53	420
54	445
55	470
56	500
57	530
58	560
59	590
60	620
61	655
62	690
63	725
64	760
65	800
66	840
67	880
68	920
69	960
70	1000
71	1050
72	1100
73	1150
74	1200
75	1250
76	1300
77	1400
78	1500
79	1600
80	1700
81	1900
82	2100
83	2300
84	2500
85	2700
86	3000
87	3400
88	3800
89	4200
90	4600
91	5000
92	5500
93	6000
94	6500
95	7000
96	7500
97	8000
98	8500
99	9000
100	10000

(h) *The effect on the operator's ability to continue in business.* It is initially presumed that the operator's ability to continue in business will not be affected by the proposed assessment. The operator may submit information to the Office of Assessments concerning his financial status to show that payment of the proposed assessment will affect his ability to continue in business. If the information provided by the operator indicates that the proposed assessment will adversely affect his ability to continue in business, the Office of Assessments may reduce the penalty.

§100.4 Determination of penalty amount: special assessment.

The Office of Assessments may elect to waive in whole or in part the use of the assessment formula contained in §100.3 if it determines that conditions surrounding the violation warrant such a waiver. Although an effective penalty can generally be derived from the formula in the usual case, some types of violations may be of such a nature or seriousness that it is not possible to arrive at an appropriate penalty by resorting only to the formula. Accordingly, it may be appropriate in certain types of cases, such as fatalities and serious injuries, unwarrantable failures to comply with mandatory helath and safety standards or patterns of violations under section 104 of the Act, the operation of a mine in the face of a closure order, the failure to permit an authorized representative of the Secretary of Labor to perform an inspection or investigation, discrimination violations under section 105(c) of the Act, failure to abate a violation within the prescribed period, violations by individuals, violations by designated independent contractors, and in other appropriate cases, to make a special assessment without resort to the formula contained in this part. Such special assessments shall take into account the six criteria enumerated in §100.3(a) and all findings shall be in narrative form.

§100.5 Procedures for assessment of civil penalties; initial review and conferences.

(a) All citations which have been abated and all closure orders, regardless of termination or abatement, will be promptly referred by MSHA to the Office of Assessments for a determination of the fact of the violation and the amount, if any, of the penalty to be proposed.

(b) The Office of Assessments shall make an initial review of the citation or order and shall immediately serve, by regular mail, a copy of the results of the initial review, including the formula computations made by the Office, upon the party to be charged and the miners or their representatives at the mine.

(c) Upon receipt of the results of the initial review, all parties shall have ten (10) days, within which to either request a conference or to submit additional evidence for consideration. The Office of Assessments shall provide a return mailing card with the results of the initial review which will permit any party (1) to request a conference, (2) to request to participate in and be notified of the time and place of a conference requested by any other party or (3) to submit additional facts. In requesting a conference, a party must either make reference on the card or immediately contact the appropriate assessment office concerning the date and time proposed for the requested conference. All conferences shall be held at the appropriate assessment field office unless that office agrees to another location.

(d) It is within the sole discretion of the Office of Assessments to conduct a conference or deny a request for a conference and, if a conference is to be conducted, to determine the nature of the conference.

(e) All conferences shall be conducted within 33 days of the service of the results of the initial review by the Office of Assessments unless it is not feasible to conduct a conference within that period and the party requesting a conference demonstrates to the Office a substantial likelihood that a conference will result in a suitable resolution of the issues involved in the case. However, under no circumstances may a conference be conducted or evidence considered later than 30 days after the issuance of a proposed penalty under §100.6(a) or after the date the Office of Assessments receives a timely notice of contest under §100.6(b).

(f)(1) The Office of Assessments will consider all relevant information, submitted in a timely manner, presented by all the parties with respect to the alleged violation. When the facts warrant a finding that no violation occurred, a penalty will not be proposed.

(2) If a conference is conducted, the parties may submit any additional relevant information relating to the alleged violation, either prior to or at the conference. To expedite the conference, the official assigned to the case may contact the parties to discuss the issues involved prior to the conference.

(g) With respect to those issues which are resolved either as the result of a conference or based upon information submitted to the Office of Assessments, payment of any amount agreed upon must be received by the Office within 20 days from the date of receipt of the proposed penalty by the party charged under §100.6(a). Acceptance by the Office of Assessments of payment tendered by the party charged will close the case.

§100.6 Issuance of notice of proposed penalty; notice of contest.

(a) A notice of proposed penalty will be issued and served by certified mail upon the parties under the following circumstances:

(1) Upon the failure of any party to file a timely response to the results of the initial review;

(2) Upon the completion of a conference or upon review of timely submitted information for review by the Office of Assessments;

(3) Upon the expiration of 33 days from the service of the results of the initial review in a case in which no conference can be held within such 33 day period.

(b) Upon receipt of the notice of proposed penalty, the party charged shall have 30 days to notify the Office of Assessments in writing that he wishes to contest the proposed assessment. The Office shall provide a return mailing card with each notice of proposed penalty to allow the person charged to request a hearing before the Federal Mine Safety and Health Review Commission under section 105 of the Act. Such a request should be sent to the field assessment office listed on such notification. When the Office of Assessments receives the notice of contest, it shall immediately forward the case to the Office of the Solicitor, and shall immediately advise the the Commission of such notice. No proposed penalty which has been contested before the Commission shall be compromised, mitigated or settled except with the approval of the Commission.

(c) The failure to contest the proposed penalty within 30 days of receipt of notice thereof shall result in the proposed penalty being deemed a final order of the Commission and not subject to review by any court or agency.

§100.7 Service.

(a) All operators are required by 30 CFR 41.11 to file with the Mine Safety and Health Administration the name and address of record of the operator. All representatives of the miners are required by 30 CFR Part 40 to file with the Mine Safety and Health Administration the mailing address of the person or organization acting in a representative capacity. Initial findings and proposed penalty assessments delivered to those addresses shall constitute service.

(b) If any of the parties choose to have these documents mailed to a different address, the Office of Assessments must be notified in writing of the new address. Delivery to this address shall constitute service.

[FR Doc. 78-14789 Filed 5-26-78; 11:15 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1977)

Quantity	Volume	Price	Amount
_____	Title 47—Telecommunication (Parts 0 to 19)	$5.75	$_____

[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

PLEASE DO NOT DETACH

MAIL ORDER FORM To:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find $..... (check or money order) or charge to my Deposit Account No. .....

Please send me ..... copies of:

FOR USE OF SUPT. DOCS.

-----Enclosed-----
To be mailed
-----later-----
-----Subscription-----
Refund-----
Postage-----
Foreign Handling-----

PLEASE FILL IN MAILING LABEL BELOW

Name -----

Street address -----

City and State ----------- ZIP Code -----

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING YOUR ZIP CODE

SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE
BOOK

Name -----

Street address -----

City and State ----------- ZIP Code -----